

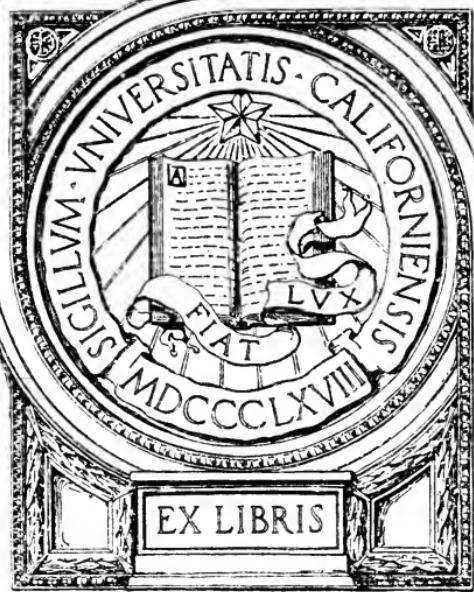
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# **General School Law of South Carolina**



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**Nineteen Hundred and Nine**

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**Edited by W. H. TOWNSEND**

**Former Code Commissioner  
Attorney at Law**

**COLUMBIA, SOUTH CAROLINA**

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**Issued by J. E. SWEARINGEN**

**State Superintendent of Education**

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# GENERAL SCHOOL LAW OF South Carolina 1909

PUBLISHED BY J. E. SWEARINGEN  
State Superintendent of Education

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## Constitutional Provisions, 1909

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### ARTICLE XI.

#### Education.

Section 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected for the term of two years by the qualified electors of the State, in such manner and at such time as the other State officers are elected; his powers, duties and compensations shall be defined by the General Assembly.

Sec. 2. There shall be a State Board of Education, composed of the Governor, the State Superintendent of Education, and not exceeding seven persons to be appointed by the Governor every four years, of which board the Governor shall be Chairman, and the State Superintendent of Education, Secretary. This board shall have the regulation of examination of teachers applying for certificates of qualification, and shall award all scholarships, and have such other powers and duties as may be determined by law. The traveling expenses of the persons to be appointed shall be provided for by the General Assembly.

Sec. 3. The General Assembly shall make provision for the election or appointment of all other necessary school officers, and shall define their qualifications, powers, duties, compensation and terms of office.

Sec. 4. The salaries of the State and County school officers and compensation of County Treasurers for collecting and disbursing school moneys shall not be paid out of the school funds, but shall be otherwise provided for by the General Assembly.

Sec. 5. The General Assembly shall provide for a liberal system of free public schools for all children between the ages of six and twenty-one years, and for the division of the counties into suitable school districts, as compact in form as practicable, having regard to natural boundaries, and not to exceed forty-nine nor be less than nine square miles in area: Provided, That in cities of ten thousand inhabitants and over, this limitation of area shall not apply: Provided, further, That when any school district laid out under this section shall embrace cities or towns already organized into special school districts in which graded school buildings have been erected by the issue of bonds, or by special taxation; or by donation, all the territory included in said school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein: Provided, further, That nothing in this article contained shall be construed as a repeal of the laws under which the several graded school districts of this State are organized. The present division of the counties into school districts and the provisions of law now governing the same shall remain until changed by the General Assembly.

**Note.**—The laws applying to schools districts and the Graded schools held not repealed by this constitutional provision. Martin v. School District of Laurens, 57 S. C., 125.

Liberal provision for support of schools required. Murph v. Landrum, 76 S. C., 32; and Acts in the interest of the schools will be so construed. State ex rel. Spencer v. McCaw, 67 S. C., 351.

Sec. 6. The existing County Boards of Commissioners of the several counties, or such officer or officers as may hereafter be vested with the same or similar powers and duties, shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the county treasury of the respective counties; and the said fund shall be apportioned among the school districts of the county in proportion to the number of

pupils enrolled in the public schools of the respective districts, and the officer or officers charged by law with making said apportionment shall notify the trustees of the respective school districts thereof, who shall expend and disburse the same as the General Assembly may prescribe. The General Assembly shall define "enrollment." Not less than three trustees for each school district shall be selected from the qualified voters and taxpayers therein, in such manner and for such terms as the General Assembly may determine, except in cases of special school districts now existing, where the provisions of law now governing the same shall remain until changed by the General Assembly: Provided, The manner of the selection of said trustees need not be uniform throughout the State. There shall be assessed on all taxable polls in the State between the ages of twenty-one and sixty years (excepting Confederate soldiers above the age of fifty), an annual tax of one dollar on each poll, the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected. Whenever during the three next ensuing fiscal years the tax levied by the said County Boards of Commissioners or similar officers and the poll tax shall not yield an amount equal to three dollars per capita of the number of children enrolled in the public schools of each county for the scholastic year ending the thirty-first day of October in the year eighteen hundred and ninety-five, as it appears in the report of the State Superintendent of Education for said scholastic year, the Comptroller General shall, for the aforesaid three next ensuing fiscal years, on the first day of each of said years, levy such an annual tax on the taxable property of the State as he may determine to be necessary to make up such deficiency, to be collected as other State taxes, and apportion the same among the counties of the State in proportion to the respective deficiencies therein. The sum so apportioned shall be paid by the State Treasurer to the County Treasurers of the respective counties, in proportion to the respective deficiencies therein, on the warrant of the Comptroller General, and shall be apportioned among the school districts of the counties, and disbursed as other school funds; and from and after the thirty-first day of December, in the year eighteen hundred and ninety-eight, the General Assembly shall cause to be levied annually on all the taxable property of the State such a tax, in addition to the said tax levied

by the said County Boards of Commissioners or similar officers, and poll tax above provided, as may be necessary to keep the schools open throughout the State for such length of time in each scholastic year as the General Assembly may prescribe; and said tax shall be apportioned among the counties in proportion to the deficiencies therein and disbursed as other school funds. Any school district may by the authority of the General Assembly levy an additional tax for the support of its schools.

**Note.**—The term "levy" as the three mill tax imposes purely ministerial duties on the board, and requires that it shall take such action as will place the tax on the auditor's books. *Dickson v. Burckmeyer*, 67 S. C., 534.

As to the apportionment of the tax see *Capers v. Derham*, 54 S. C., 349; and *Murph v. Landrum*, 76 S. C., 32.

Sec. 7. Separate schools shall be provided for children of the white and colored races, and no child of either race shall ever be permitted to attend a school provided for children of the other race.

**Note.**—See *Floyd v. News and Courier*, 71 S. C., 118.

Sec. 8. The General Assembly may provide for the maintenance of Clemson Agricultural College, the University of South Carolina, and the Winthrop Normal and Industrial College, a branch thereof, as now established by law, and may create scholarships therein; the proceeds realized from the land scrip given by the Act of Congress passed the second day of July, in the year eighteen hundred and sixty-two, for the support of an agricultural college, and any lands or funds which have heretofore been or may hereafter be given or appropriated for educational purposes by the Congress of the United States, shall be applied as directed in the Acts appropriating the same: Provided, That the General Assembly shall, as soon as practicable, wholly separate Claflin College from Claflin University and provide for a separate corps of professors and instructors therein, representation to be given to men and women of the negro race; and it shall be the Colored Normal, Industrial, Agricultural and Mechanical College of this State.

Sec. 9. The property or credit of the State of South Carolina, or of any county, city, town, township, school district or other

subdivision of the said State, or any public money, from whatever source derived, shall not, by gift, donation, loan, contract, appropriation, or otherwise, be used, directly or indirectly, in aid or maintenance of any college, school, hospital, orphan house, or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization.

**Note.**—See Attorney General's opinion as to what are not violations of this section. In the case of the Epworth Orphanage, September 27, 1902; and also. Reports and Resolutions, 1905, Vol. 2, p. 27.

Sec. 10. All gifts of every kind for educational purposes, if accepted by the General Assembly, shall be applied and used for the purposes designated by the giver, unless the same be in conflict with the provisions of this Constitution.

Sec. 11. All gifts to the State where the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years, and other money coming into the Treasury of the State by reason of the twelfth section of an Act entitled "An Act to provide a mode of distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved the twenty-fourth day of December, in the year eighteen hundred and ninety-one, together with such other means as the General Assembly may provide, shall be securely invested as the State School Fund, and the annual income thereof shall be apportioned by the General Assembly for the purpose of maintaining the public schools.

Sec. 12. All the net income to be derived by the State from the sale or license for the sale of spirituous, malt, vinous and intoxicating liquors and beverages, not including so much thereof as is now or may hereafter be allowed by law to go to the counties and municipal corporations of the State, shall be applied annually in aid of the supplementary taxes provided for in the sixth section of this article; and if after said application there should be a surplus, it shall be devoted to public school

purposes, and apportioned as the General Assembly may determine: Provided, however, That the said supplementary taxes shall only be levied when the net income aforesaid from the sale or license for the sale of alcolholic liquors or beverages are not sufficient to meet and equalize the deficiencies for which the said supplementary taxes are provided.

**Note.**—How funds must be apportioned. See Murph v. Landrum, 76 S. C., 22; Capers v. Derham, 54 S. C., 350.

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Done in Convention in Columbia, on the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

JOHN GARY EVANS,  
President of the Convention.

IRA B. JONES,  
Vice-President of the Convention.

W. JASPER TALBERT,  
Vice-President of the Convention.

Attest:

S. W. VANCE, Secretary of the Convention.

## Code of Laws of South Carolina, 1902, With Amendments, Including Those of 1909

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Sec. 1174. The State Superintendent of Education shall be elected at each general election, in the same manner as other State officers, and shall enter upon the duties of his office at the time prescribed by law. Before entering upon the duties of his office, he shall give bond, for the use of the State of South Carolina, in the penal sum of five thousand (5,000) dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office; and he shall also, at the time of giving bond, take and subscribe the oath prescribed in Section 26, of Article III, of the Constitution of the State, which shall be endorsed upon the back of said bond; and the bond shall be filed with the Secretary of State, and by him recorded, and when so recorded, shall be filed with the State Treasurer. The Superintendent of Education shall receive as compensation for his services the sum of nineteen hundred dollars per annum, payable monthly out of the State Treasury; and his traveling expenses, not exceeding three hundred dollars, shall be paid out of the State Treasury upon duly itemized accounts rendered by him.

Sec. 1175. He shall have general supervision over all the schools of the State supported in whole or in part from the public school funds, and it shall be his duty to visit every county in the State as often as practicable for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communications with school officers, teachers and parents, a knowledge of existing defects and of desirable improvements in the government and instruction of the said schools. He shall secure, by and with the advice of the State Board of Education, uniformity in the use of text-books throughout the free public schools of the State, and shall forbid the use of sectarian or partisan books and instruction in said schools. He shall prepare and transmit to the several County Superintendents of Education, school registers, blank certificates, re-

ports and such other suitable blanks, forms and printed instructions as may be necessary to aid school officers and teachers in making their reports and carrying into full effect the various provisions of the school laws of this State; and shall cause the law relating to the free public schools, with such rules, regulations, forms and instructions as shall be legally prescribed, to be printed, together with a suitable index, in pamphlet form, at the expense of the State; and he shall cause copies of the same to be transmitted to the several County Superintendents of Education for distribution. He shall collect in his office such school books, apparatuses, maps and charts as can be obtained. He may certify copies of all papers filed in his office, and such certified copies shall be competent evidence thereof.

**Note.**—The State Superintendent has general supervision over all public schools and school funds. *Duncan v. Heyward*, 74 S. C., 565; 78 S. C., 243. No fees can be charged pupils entitled to attend such schools. Atty. Gen'l opinion, 1903, Reports and Reso., 1904, p. 1062. Though such fees may be charged under some special charters. Atty. Gen. op., 1901, Oct. 15th.

Sec. 1176. He shall make a report, through the Governor to the General Assembly at each regular session thereof, showing: 1st. The whole number of pupils registered in and the number enrolled as hereinafter defined in the free common schools of this State during the year ending the thirtieth day of the last preceding June, and the number in each county registered in and the number enrolled as hereinafter defined during the same period. 2d. The number of whites and the number of colored, of each sex, attending the said schools. 3d. The number of free schools in the State. 4th. The number of pupils studying each of the branches taught. 5th. The average wages paid to teachers of each sex, and to the principals of schools and departments in said schools. 6th. The number of school houses erected during the year, and the location, material and cost thereof. 7th. The number previously erected, and the material of their construction, and their condition and value, and the number with the grounds enclosed. 8th. The counties in which Teachers' Institutes were held, and the number attending the Institutes in each county. 9th. Such other statistical information as he may deem important, together with such plans as he may have matured and

the State Board of Education may have recommended for the management and improvement of the school fund and for the more perfect organization and efficiency of the free public schools. All State institutions of higher learning shall make an annual report on or before the first day of September of each year to the State Superintendent of Education, embracing a detailed account of the operations of such institutions, including the expenditure of the public moneys for the current scholastic year, which reports the State Superintendent of Education shall include in his annual report to the Legislature. All Acts or parts of Acts requiring annual reports to be made to other authorities are hereby repealed.

Sec. 1177. The sum of nine hundred dollars shall be allowed to the Superintendent of Education for the purpose of defraying the expenses of clerk hire in his office.

Sec. 1178. The State Treasurer shall take and hold in trust for the State any grant or devise of lands and any gift or bequest of money or other personal property made to him for educational purposes, all gifts to the State where the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years, and other money coming into the Treasury of the State by reason of the twelfth section of an Act entitled "An Act to provide a mode of distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved the twenty-fourth day of December, in the year eighteen hundred and ninety-one, together with such other means as the General Assembly may provide. The State Treasurer shall from time to time invest in bonds of this State or of the United States all such money in the name of the State, as a permanent State school fund, and shall pay out the income derived therefrom to the county or the counties of the State as the same may be apportioned among said counties by the State Board of Education: Provided, That no disposition shall be made of any property, grant, devise, gift, or bequest, inconsistent with the purposes, conditions or terms thereof. For the faithful management of all property so received by the State Treasurer, he shall be responsible upon his bond to the State as

for other funds received by him in his official capacity: Provided, however, That the Trustees of any school district of this State may take and hold in trust for their particular school district any property granted, devised, given or bequeathed to such school district, and apply the same in the interest of the schools of their district in such manner as in their judgment seems most conducive to the welfare of the schools when not otherwise directed by the terms of the grant, devise, gift or bequest: And Provided, further, That before said Trustees shall assume control of any grant, devise, gift or bequest they shall give a bond, to be approved by the County Board of Education of the County in which such grant, devise, gift or bequest is made, conditioned for the faithful discharge of the trust reposed in them in respect to said property, which bond shall be deposited with the Clerk of the Court of said County. The said Trustees are hereby invested with the care and custody of all school houses or other school property belonging to their school districts, with full power to control the same in such manner as they may think will best subserve the interest of the free public schools and the cause of education.

Sec. 1179. The State Superintendent of Education shall discharge such other duties as may be provided by law; and he shall deliver to his successor, within ten days after the expiration of his term of office, all books, papers, documents and other property belonging to his office.

Sec. 1180. In case a vacancy occurs in the office of State Superintendent of Education, from any cause, such vacancy shall be filled by the Governor, by and with the advice and consent of the Senate, and the person so appointed shall qualify within fifteen days from the date of such appointment, or else the office shall be deemed vacant. If the vacancy occur during the recess of the Senate, the Governor shall fill the same by appointment until the Senate can act thereon.

Sec. 1181. The Governor, the Superintendent of Education, and seven persons, one from each Congressional District, to be appointed by the Governor, who shall hold office for four years, and until their successors may be appointed, unless sooner removed by the Governor, shall constitute the State Board of Education. Of this Board the Governor shall be ex officio Chairman,

and the State Superintendent of Education shall be Secretary of the Board. The Secretary shall be custodian of its records, papers and effects, and shall keep minutes of its proceedings; and said records, papers and minutes shall be kept in the office of the State Superintendent of Education and shall be open to inspection by the public.

Sec. 1182. The said Board shall meet on the call of its Chairman, or upon the request of a majority of its members, at the office of the State Superintendent of Education, or at such other place as may be designated in the call. A majority of the Board shall constitute a quorum for transacting business. The official seal of the State Superintendent of Education shall be used for the authentication of the acts of the State Board. The members of the State Board of Education appointed by the Governor shall receive as compensation the same mileage and per diem as is provided for members of the General Assembly, not exceeding twenty days in any one year.

Sec. 1183. The State Board of Education shall constitute an advisory body, with whom the State Superintendent of Education shall have the right to consult when he is in doubt as to his official duty; and shall have power to review on appeal all decisions of the County Boards of Education, as hereinafter provided for. Appeals to the State Board of Education must be made through the County Boards of Education, in writing, and must distinctly set forth the question of law as well as the facts of the case upon which the appeal is taken, and the decision of the State Board shall be final upon the matter at issue.

**Note.**—The remedy against illegal acts of County Boards of Education is by appeal to the State Board: Greenville College for Women v. County Board of Education, 75 S. C., 93; State ex rel. Williams v. Hiers, 51 S. C., 388; State ex rel. Bryson v. Daniel, 52 S. C., 201; Sligh v. Bowers, 62 S. C., 409. The appeal operates as a supersedeas. Atty Gen'l's op., 1905, p. 41.

Sec. 1184. The State Board of Education shall have power: 1st. To adopt rules and regulations not inconsistent with the laws of the State for its own government and for the government of the free public schools. 2d. To prescribe and enforce rules for the examination of teachers. 3d. To prescribe a standard of

proficiency before County Boards of Education which will entitle persons examined by such Boards of Education to certificates as teachers. 4th. To prescribe and enforce the course of study in the free public schools. 5th. To prescribe and to enforce, as far as practicable, the use of a uniform series of text-books in the free public schools of the State; to enter into an agreement with the publishers of the books prescribed, fixing the time of prescription and the price above which the books shall not be retailed during the period of prescription, and a rate of discount at not less than which the books shall be furnished to the retail dealers in this State; to require the publishers, in the discretion of the Board, to establish in each county one or more depositories of their books within the State, at such place or places as the Board may designate, and where such books may be obtained without delay; and to exact of the publishers a bond in the sum of not more than five thousand dollars conditioned for the faithful performance of the agreement, and with a penalty of twenty-five dollars for each violation of the agreement, the form and execution of the bond to be approved by the Attorney General of the State, which agreement and bond shall be deposited with the State Treasurer, all recoveries thereon to go into the State Treasury for school purposes: Provided, That the State Board of Education shall not have power, without permission of the General Assembly of the State, to change a text-book within five (5) years from the date of its adoption, except for violation of the agreement entered into by its publisher with the State Board of Education, for which cause it may be changed by the said Board; and it shall be unlawful for any teacher drawing public school money to use any book not prescribed by the State Board of Education without the consent, in writing, of said Board. 6th. To grant State teachers' certificates and to revoke them for immoral or unprofessional conduct, profanity or evident unfitness for teaching. 7th. To review on appeal an order revoking a county certificate: Provided, That no certificate be required of examination or proficiency from any applicant for teachers in city schools of Charleston having diplomas from the Memminger Normal School in the City of Charleston, whether regular or extra teachers, but they shall be alone subjected to such examinations and conditions as may be required by the Board of Commissioners of the city public schools of Charleston. 8th. To

award scholarships created by the General Assembly in the institutions of learning supported in whole or in part by the State.

**Note.**—The State Board acts with discretionary power: State ex rel. Williams, 51 S. C., 388; Duncan v. State Board, 74 S. C., 565; 78 S. C., 243. They may in their discretion review the action of the County Board of Education fixing hours for school. Atty. Genl's. opinion, 1905, 59; or prescribe on what lands buildings are to be erected, Atty Genl's opinion, 1905, 43; or determine standard of schools and colleges, Atty. Genl's opinion, 1905, p. 42 As to award of Clemson College scholarships; post-graduates may enjoy; Atty. Genl's Report, 1907, p. 139; as they are not limited to any particular class. Atty. Genl's Report, 1904, p. 23; preference must always be given those taking the agricultural course, Atty. Genl's Report, 1904, p. 24; vacancies from one county cannot be filled from another, Atty. Genl's Report, 1904, p. 24.

Sec. 1185. No child shall be counted in the enrollment more than once, nor in more than one school district in any one school year, and the school officer charged with the duty of enrollment wilfully violating this provision shall be guilty of a misdemeanor. The teacher or principal of every school shall keep and furnish annually to the Trustees of the school district a list of all pupils that have attended the school during the preceding scholastic year, showing the names of the pupils, their respective places of residence, and the number of days each pupil has attended, which list shall be certified to the County Board of Education by said Trustees on or before the 1st day of August in every year.

Act, 1905, Vol. 24, Sec. 483. That whenever any children of school age, as provided by law, shall attend a public night school for twenty nights in any scholastic year, they shall be deemed enrolled and their names shall be used by the County Boards of Education in making apportionments just as if they had attended day schools ten days as provided by law: Provided, That the said night schools shall be taught by teachers qualified by law to teach in the public schools of the State: And provided, also, That the course of study shall be the course approved by the State Board of Education for use in the public schools of the State.

That the same children shall not be counted twice in making up the enrollment of a school district.

Sec. 1186. (1908, 25 Stats., 1350; 26 Stats., 180.) At the expiration of the terms of office of the School Commissioners of the several counties of the State, there shall be elected by the qualified electors of the county a County Superintendent of Education for each county, who shall hold his office for the term of four years—except in the counties of Aiken, Anderson, Barnwell, Bamberg, Berkeley, Calhoun, Cherokee, Darlington, Dorchester, Fairfield, Georgetown, Hampton, Lancaster, Marion, Pickens, Richland, Sumter, Spartanburg, Union, Williamsburg, Beaufort, Laurens and York, where it is two years—and until his successor is elected and qualified: Provided, That in the County of Edgefield the term shall not be for four years until after the general election in 1910. He shall, before being commissioned and entering upon the duties of his office, give bond to the State, for the use of the County in which he is elected, for educational purposes, in the penal sum of one thousand dollars, with good and sufficient sureties to be approved by the County Board of Commissioners, conditioned for the faithful and impartial discharge of the duties of his office, and shall take and subscribe the oath of office prescribed in Section 26, Article III, of the Constitution of this State, which he shall file in the office of the Secretary of State. When commissioned he shall immediately enter upon the discharge of his duties. His failure to qualify within thirty days after notice of his election shall create a vacancy: Provided, The bond of the Superintendent of Education for Saluda County, which has a large reserve school fund, shall be five thousand dollars. XXIV Stats, 58.

Sec. 1187. The State Board of Education shall fill all vacancies in the office of County Superintendent of Education for the unexpired term.

Sec. 1188. It shall be the duty of each County Superintendent of Education to visit the schools in his county at least once in each year, and oftener if practicable, and to note the course and method of instruction and the branches taught, and to give such recommendation in the art of teaching and the method thereof in

each school as shall be necessary, so that uniformity in the course of studies and method of instruction employed shall be secured as far as practicable in the schools of the several grades, respectively. He shall acquaint himself as far as practicable with the character and condition of each school, noting any deficiencies that may exist, either in the government of the school or the classification of its pupils or the method of instruction employed in the several branches, and shall make such suggestions in private to the teachers as to him shall appear necessary to the good order of the school and the progress of the pupils. He shall note the character and condition of the school houses, the sufficiency or insufficiency of the furniture, and shall make such suggestions to the several Boards of Trustees as in his opinion shall seem conducive to the comfort and progress of the several schools. It shall be the duty of each County Superintendent of Education to aid the teachers in all proper efforts to improve themselves in their profession. For this purpose he shall encourage the formation of associations of teachers for common improvement and conduct teachers' institutes. He shall attend the meetings of such associations and give such advice and instruction in regard to their conduct and management as in his judgment will contribute to their greater efficiency.

Sec. 1189. The County Superintendent of Education shall attend the annual settlement of the County Treasurer with the Comptroller General. Within ten days after the County Treasurer makes his monthly report to the County Superintendent of Education, showing the amount of money collected by him since his last monthly report, it shall be the duty of the County Superintendent of Education to apportion the money arising from a tax on property as shown by the Treasurer's report among the school districts of his county, and to certify such apportionments to the County Treasurer, together with the poll tax belonging to each district as shown by said report; and it shall be the duty of the County Treasurer to enter upon his book to the credit of each school district the amount due each district according to such certificate of apportionment, and the County Treasurer shall pay out the money belonging to their respective districts, upon the school warrants of such districts, duly signed and counter-

signed by the school authorities, for that scholastic year in the order of their presentation, provided that there be no outstanding claims of the previous scholastic year; and the Comptroller General shall receive the warrants thus paid as proper vouchers in the hands of the County Treasurer.

See Criminal Code for penalty for violation of this section.

Sec. 1190. The annual report of the County Board of Education shall contain the complete statistics of all schools within his county supported in whole or in part from the public funds, as may be required of him by the State Superintendent of Education.

Sec. 1191. The County Superintendent of Education shall make an annual report of all claims filed, audited and allowed and ordered paid by him during each fiscal year to the presiding Judge at the third term of the Court of General Sessions for his county, which shall be held after the first day of January in each year, to be submitted by said Judge to the grand jury for their examination. After examination, the grand jury shall report thereon to the presiding Judge any matter growing out of or pertaining to said annual report which to them may seem worthy of the attention of the Court. The said report shall thereupon be filed by the Clerk of said Court and kept as papers of said Court, for inspection by any citizen desirous of examining the same.

Sec. 1192. The County Board of Commissioners of each county are authorized and required to furnish the County Board of Education of their county with a comfortable and convenient office and suitable office furniture, and to supply said office with fuel, lights, stationery, postage and such other incidentals as are necessary to the proper transaction of the legitimate business of his office.

Sec. 1193. It shall be the duty of the County Superintendent of Education, on or before the fifteenth day of July in each year, to report to the County Treasurer, by school districts, all school claims approved by him for the school year last preceding, and the County Treasurer shall thereupon close their school accounts for that year, carrying over any balance to the credit of each school district of the then current fiscal year.

Sec. 1194. The County Superintendent of Education shall keep a register of all claims approved by him and of such other matters as the State Superintendent of Education shall require of him, and in the form prescribed by the State Superintendent.

Section 1195. The County Superintendent of Education shall furnish the School Trustees of his County with copies of the reports made to him by the County Auditor and County Treasurer as to the persons listed and paying poll tax, and shall aid the Trustees in making all proper corrections.

Sec. 1196. The County Superintendents of Education shall keep in their office a die, in a circular form, upon the centre of which shall be engraved, in capital letters, the word "seal," and on the circumference the proper words indicating the office, which shall be regarded as the seal of the office, and which the County Superintendent of Education shall be required to impress upon all papers issued from his office, and affix his name to such paper. And it shall be the duty of the County Board of Commissioners in each county to furnish the County Superintendent of Education of their respective counties with such seal.

Act of 1909, 26 Stats., 132: Any and all school warrants issued by any Board of School Trustees against any public school fund shall not be paid by the County Treasurer or other officer having the custody of such fund until the warrant has been approved by the County Superintendent of Education of the county in which said warrant is drawn.

It is not necessary that claims approved by him be also under his official seal.—*State v. Morton*, 51 S. C., 323, 28 S. E., 945.

Sec. 1197. That the County Superintendents of Education of the various counties of this State shall receive annual salaries as follows: Abbeville County, six hundred dollars; Aiken County, six hundred dollars; Anderson County, seven hundred and fifty dollars; Bamberg County, five dollars; Barnwell County, five hundred dollars; Beaufort County, four hundred dollars; Chester County, six hundred dollars; Berkeley County, three hundred dollars; Charleston County, nine hundred dollars; Chesterfield County, four hundred dollars; Cherokee County, five hundred dollars; Clarendon County, six hundred and twenty-five dollars; Colleton County, five hundred dollars; Darlington County, six

hundred dollars; Dorchester County, four hundred dollars; Edgefield County, six hundred dollars; Fairfield County, five hundred dollars; Florence County, eight hundred dollars; Georgetown County, six hundred dollars; Greenville County, six hundred dollars; Greenwood County, six hundred dollars; Hampton County, five hundred and fifty dollars; Horry County, four hundred dollars; Kershaw County, five hundred dollars; Lancaster County, six hundred dollars; Laurens County, six hundred dollars; Lexington County, six hundred dollars; Lee County, five hundred dollars; Marion County, eight hundred dollars; Marlboro County, six hundred dollars; Newberry County, six hundred and fifty dollars; Oconee County, five hundred dollars; Orangeburg County, eight hundred and fifty dollars; Pickens County, five hundred dollars; Richland County, twelve hundred dollars; Saluda County, four hundred and fifty dollars; Spartanburg County, twelve hundred dollars; Sumter County, eight hundred dollars; Union county, five hundred dollars; Williamsburg County, six hundred dollars; York County, seven hundred and fifty dollars.

Sec. 1198. In Abbeville, Marlboro, Chester, Lexington, Union and York Counties, they shall receive annually, in addition to the salaries mentioned in the last section, one hundred dollars, and in Laurens County, fifty dollars, for traveling expenses; and in every other county of the State they shall receive annually, in addition to their salaries, such sum as may be necessary to pay the actual expenses incurred by them in attending meetings called for the purpose of advancing the educational interests, and for the purpose of visiting schools in other counties in order to become familiar with their management and mode of teaching: Provided, That no such account shall be approved in favor of any County Superintendent of Education until such Superintendent of Education shall have furnished the County Board of Education with an itemized statement, under oath, of the expenses incurred: And provided, further, That in no case shall the expenses exceed one hundred dollars, to be paid on the warrant of the County Board of Education. His claim for services and expenses shall be presented in the form of an account against the County Board of Education, and shall be verified by affidavit to the effect that said account is just and true; that the service

therein named was honestly and faithfully rendered, and that the sum therein claimed is rightfully due and remains unpaid. When said account shall have been duly audited and approved by the County Board of Education, it shall be filed with the County Treasurer, who shall pay the same ratably out of the funds apportioned to the several school districts in proportion to the average number of children attending the free public schools in each school district.

**Note.**—The Act of 1899, Sec. 1197, held not to repeal Sec. 1057 of the Revised Statutes of 1893, this Sec. 1198. Houser v. Orangeburg Co., 59 S. C., 265. Atty. Genl.; Opinion, 1903, p. 1062, Vol. I of Reports, 1904.

Sec. 1199. There shall be a County Board of Education in each county, composed of three members, one of whom shall be the County Superintendent of Education, and the other two shall be appointed by the State Board of Education at its regular meeting in April, 1897, and every two years thereafter, who shall hold their office for a term of two years from the time of their appointment and until their successors shall be appointed and qualified, unless sooner removed by the State Board of Education.

**Note.**—Two are a quorum and can act. Atty. Genl. Op., 1906, p. 105.

Sec. 1200, 26 Stats., 73. The County Board of Education shall examine all candidates for the position of teacher and give to each person found qualified a certificate, setting forth the branches of learning he or she may be capable of teaching and the percentage attained in each branch; said certificate to be valid for a term of two years unless sooner revoked, and it may be renewed with or without examination, at the discretion of the board, all of which shall be done under such regulations as the State Board of Education may prescribe. No teacher shall be employed in any of the free public schools without a certificate from the County Board of Education or the State Board of Education: Provided, That no examinations as to qualification shall be made in the case of any applicant who produces a full diploma from any chartered college or university of this State or Memminger Normal School of Charleston, and furnishes satisfactory evidence of good moral character. (From Act of 1906, XXV.

Stats., 37: Provided, further, That the State Board of Education shall examine into the curriculum, standing, faculty and equipment of each institution, and see that it is doing real college work before certificates are issued on its diplomas.) The two members of the board appointed by the State Board of Education shall receive for the services rendered by them compensation at the rate of three dollars per diem for not exceeding seven days, except in the Counties of Chester and Hampton, where the number of days shall be ten, in each year, and mileage of five cents for each mile of necessary travel, the same to be paid by the County Board of Commissioners out of the ordinary county funds: Provided, That in all counties of more than fifty thousand population, according to the United States Census of 1900, said members shall receive compensation herein fixed for not less than seven days nor more than twenty days, in the discretion of the County Superintendent of Education. (23 Stats., 1084.)

**Note.**—See also Greenville College for Women v. Co. Bd. of Education, 75 S. C., 95; Atty. Genl's Op., 1905, p. 65, 1906. Teacher without certificate cannot draw pay. Atty. Genl's Op., 1906, 95. County Superintendent of Education gets no per diem. Atty. Genl's Op., 1904, p. 40.

Sec. 1201. It shall be the duty of the County Board of Education and the Boards of Trustees hereinafter provided for to see that in every school under their care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar, the elements of agriculture, history of the United States and this State, the principles of the Constitution of the United States and this State, morals and good behavior, algebra, physiology and hygiene, and especially as to the effects of alcoholic liquors and narcotics upon the human system, English literature, and such other branches as the State Board may from time to time direct.

Sec. 1201a. 1. That the nature of alcoholic drinks and narcotics and special instruction as to their effect upon the human system, in connection with the several divisions of the subject of Physiology and Hygiene, shall be included in the branches of study taught in the common or public schools in the State of South Carolina, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in

said schools, by the use of text books in the hands of pupils where other branches are thus studied in said schools, and orally in the case of pupils unable to read, and shall be taught by all teachers and studied by all pupils in all said schools supported wholly or in part by public money.

2. The text books used for the instruction required to be given in the preceding section in the primary and intermediate grades, shall give at least one-fourth of their space to the consideration of the nature and effect of alcoholic drinks and narcotics, and the books used in the highest grade of graded schools shall contain at least twenty pages of matter relating to this matter.

3. It shall be the duty of the proper officer in control of any school described in the foregoing section to enforce the provisions of this Act; and any officer, school director, committee, superintendent or teacher who shall refuse or neglect to comply with the requirements of this Act, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by the first section of this Act, for all pupils in each and every school under his jurisdiction, shall be removed from office and the vacancy filled as in other cases. (Act of 1908, 25 Stats., 1053.)

Sec. 1202. The County Boards of Education of the several counties of this State shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the County Treasury of the respective counties, and on the first day of July of each year, or as soon as practicable thereafter, the said fund shall be apportioned by the said County Boards respectively among the school districts of their respective counties in proportion to the number of pupils enrolled in the public schools of such school districts; and the said county boards shall ascertain the amount of poll taxes collected in and for each school district of their respective counties, and shall notify the County Treasurer and the Trustees of each school district of the amount of poll taxes, as well as of the amount of the aforesaid fund apportioned by them to each school district.

The school funds of each school district shall be distributed and expended by the Board of Trustees for the best interests of

the school district, according to the judgment of the Board of Trustees, on their warrant approved by the County Superintendent of Education. For the purpose of said apportionment pupils shall not be deemed enrolled until after an attendance of at least ten school days during the preceding scholastic year.

**Note.**—Mandamus will not issue to compel approval of warrant where the funds in Treasury are insufficient to pay it.—State ex rel. Williams v. Hiers, 51 S. C., 388, 29 S. E., 89; State ex rel. Bryson v. Daniel, 52 S. C., 201, 29 S. E., 633. The power of the County Superintendent is also discretionary, and mandamus therefore is not the proper remedy. The remedy is given in next section. State v. Hiers, *supra*.

If the school district or its trustees breach a contract, the district may be sued in an action at law. Hughes v. School District, 66 S. C., 259; Greenville College for Women v. County Board, 75 S. C., 96.

If a loss of school funds occurs after they are apportioned to a particular district, the loss falls on that district only. Att'y. Gen'l's Op., 1903, p. 1075.

Sec. 1203. The County Board of Education shall constitute an advisory body, with whom the County Superintendent of Education shall have the right to consult when he is in doubt as to his official duty, and also a tribunal for determining any matter of local controversy in reference to the construction or administration of the school laws, with the power to summon witnesses and take testimony if necessary, and when they have made a decision said decision shall be binding upon the parties to the controversy: Provided, That either of the parties shall have the right to appeal to the State Board of Education, and said appeal shall be made through the County Board of Education in writing, and shall distinctly set forth the question in dispute, the decision of the County Board and the testimony as agreed upon by the parties to the controversy, or, if they fail to agree, upon the testimony as reported by the County Board.

**Note.**—It is clear that the action of a Board of Trustees is subject to the supervision and orders of the County Board of Education, State v. Daniel, 52 S. C., 201. An appeal lies from the county to the State Board: State ex rel. Williams v. Hiers,

51 S. C., 388 (Atty. Genl's Op., 1904, p. 39), and when taken acts as a supersedeas. (Atty. Genl's Op., 1905, p. 41.)

Sec. 1204. The County Board of Education shall meet for the purpose of examining applicants for teachers' certificates, and the transaction of other business, at least twice a year, at such places and at such times as the State Board of Education shall appoint. The County Superintendent shall be Chairman and Clerk of the Board, and shall keep a fair record of their proceedings, and register of the name, age, sex, color, residence and date of certificate of each person to whom a certificate is issued, and in case the certificate be cancelled shall make a proper entry of the same. The board shall have power to revoke any certificate granted by them, for immoral or improper conduct, or evident unfitness for teaching. The board shall hold as many additional meetings during the year as the interest of the free public schools of the county may require, subject to regulations prescribed by the State Board of Education.

Sec. 1205. The County Boards of Education shall divide their counties into convenient school districts, as compact in form as practicable, having regard to natural boundaries, and not to exceed forty-nine nor be less than nine square miles in area, and shall alter the lines thereof, and create additional school districts from time to time as the interests of the schools may, in their judgment, demand: Provided, That no new school district shall be erected by said County Board of Education, except upon the petition of at least one-third of the qualified electors embraced within the limits of such proposed school district: Provided, further, That no school district shall be consolidated except upon a petition of at least one-third of the qualified voters of the school district proposed to be consolidated: Provided, further, Whenever territory embraced in two or more counties is proposed to be formed into one school district, the same may be formed by the joint action of the Board of Education of the respective counties as herein provided for the formation of the school districts in a county: Provided, That in cities of ten thousand inhabitants and over, this limitation of area shall not apply: Provided, further, That when any school district laid out under this section shall embrace cities or towns already organized into special school districts, in which graded school buildings have

been erected by the issue of bonds, or by special taxation, or by donation, all the territory included in said school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein. The present division of the counties into school districts shall remain until changed by the County Boards of Education. The County Boards of Education are authorized and empowered to make contracts for the purpose of dividing their counties into proper school districts, and to provide for the payment of the expenses thereof out of the school funds of the county. Every school district now organized or to be hereafter organized, in pursuance of this section, is and shall be a body politic and corporate, by the name and style of School District No. — (such number as may be designated by the County Board of Education), of — County (the name of the county in which the district is situated), the State of South Carolina; and in that name may sue and be sued, and be capable of contracting and being contracted with to the extent of their school fund, and holding such real and personal estate as it may come into possession of, by will or otherwise, or as is authorized by law to be purchased, all of which shall be used exclusively for school purposes.

**Note.**—As stated, the districts are bodies corporate and may sue and be sued. *Hughes v. School District*, 66 S. C., 259; *State v. Bacon*, 31 S. C., 765; *Aiken Co. v. Murray*, 35 S. C., 508. Power of County Board to alter lines of special school district created by Legislature. Atty. Genl's Report, 1906, p. 95, 97. The County Board has generally power to alter lines of districts. Atty. Genl's Op., 1905, p. 40. When the County Board may act without petition to do so. Atty. Genl's Op., 1904, 28, 30. Petition for consolidation should be signed by one-third of the voters in each district to be consolidated. Atty. Genl's Op., 1904, 29. But the lines of one district may be altered to include another district without a petition. Atty. Genl's Report, 1904, p. 30; consolidation of districts in different counties is to be based upon separate petitions from each. Atty. Genl's Report, 1904, p. 32. Adding new territory to a district makes it subject to taxation therein. Atty. Genl's Op., 1904, 33. The alteration of district lines does not affect a levy of taxes already made. Atty. Genl's Op., 1904, 1076. The expenses of survey, etc., are to be paid out of the school funds. Atty. Genl's Op., 1904, 28.

Sec. 1206. Each school district shall be under the management and control of the Board of Trustees hereinafter provided for, subject to the supervision of the County Board of Education.

Sec. 1207. The school districts of the several counties of the State are hereby made and declared to be the divisions of the counties for taxation for all school purposes.

Sec. 1208. The voters or electors of any school district who return real or personal property for taxation, are authorized to levy and collect an annual tax, to supplement any special or other constitutional or other tax for like purposes, in following manner; upon the written petition or request of at least one-third of the resident electors and a like proportion of the resident free-holders of the age of twenty-one years, being filed with the County Board of Education, asking for the same, and stating the rate of tax levy proposed, which shall not exceed four mills. The said County Board of Education shall order the Board of Trustees of said school district to hold an election at some place within the district, at any time during any fiscal year, after giving notice of the time and place thereof in some newspaper published within the county and by posting notice thereof in at least three public places within such school district, for two weeks, unless there be no newspaper published within the county, in which event the posting of the notices as above shall suffice. At which said election only such electors as return real or personal property for taxation, and who exhibit their tax receipts and registration certificates as required in general elections, shall be allowed to vote. At said election the Board of Trustees shall act as managers, and the election shall be conducted as is provided by law for the conduct of general elections. At said election, each elector favoring the proposed levy shall cast a ballot containing the word "Yes," printed or written thereon, and each elector opposed to said levy shall cast a ballot containing the word "No," printed or written thereon. Within ten days after such election, if the majority of those voting shall vote for such levy, the Board of Trustees shall furnish the County Auditor with a statement of the amount so levied, and the Auditor shall enter the same in the tax duplicates; and he shall annually, each year thereafter, enter said amount in the tax

duplicates until the same is increased, decreased, or repealed by said taxpayers, at election called for that purpose, which said election must be held on or before the first day of June, and he is notified that the same has been increased, decreased, or repealed; and if increased, or decreased, he shall annually enter it as before; which election shall be called and notice given in the same way and manner as is herein provided for the calling of meetings to make the levy and the giving of notice that it has been made; and the County Treasurer shall collect the same as other county and State taxes: Provided, That any tax which may be levied, increased, decreased or repealed, after October 1st in any fiscal year, shall not take effect until the next succeeding fiscal year. Such levy shall be a lien on the property in such school district, which shall be subject thereto in case of default of payment. Said tax so collected shall be paid out by the County Treasurer upon warrants drawn by the Board of Trustees, countersigned by the County Superintendent of Education: Provided, That any surplus of such levy remaining in the hands of the County Treasurer at the expiration of any fiscal year shall be paid out as other school funds of the district. Each taxpayer, when he pays any tax for school purposes voted under the provision of this section, shall have the right to designate to which school in said school district he wishes the money paid by him to go; and the Treasurer shall keep a note of such designation, and the money shall be applied as thus designated. When no designation is made by the taxpayer at the time of such payment, the money shall be expended as other school funds in such districts: Provided, That nothing herein contained shall be construed to change the manner now provided by law for the collection and paying out of special taxes in any school district now established by any special Act of the General Assembly and organized thereunder. (1907, 25 Stats., 631.)

**Note.**—Where the district lines divides tract of land, owner can only vote in the district in which he resides. Atty. Genl's Op., 1904, 52; Atty. Genl's Op., 1906, 102. The voter must both own property in district and have paid taxes. Atty. Genl's Op., 1906, p. 99; also Mch. 7, 1900.

If the election is contested the County Board of Education hears the contest and determines the result, subject to review by State Board. Atty. Genl's Op., 1904, p. 53.

This is a local election, distinguished from general or special election, and the provisions of Code, Sec. 179, requiring registration books closed for 30 days prior thereto does not apply to it. Atty. Genl's Op., 1903, p. 53. If illegally conducted the levy may be enjoined. Atty. Genl's Op., 1904, p. 51.

The petition must be signed by one-third both of resident voters and resident freeholders. Atty. Genl's Op., July 10, 1902. The electors must be registered, but not the freeholders, which term includes women owing property in the district. Atty. Genl's Op., 1906, 104.

The County Auditor should be given written notice of the levy. Dent. v. Brice, 16 S. C., 12; Atty. Genl's Op., 1904, 51-52. This Notice must be given in time for the Auditor to make the proper entries on duplicates before October 1st. Atty. Genl's Op., 1906, 105. So as to the time of election. Atty. Genl's Op., May 10, 1902.

The taxpayer can only direct application of tax to a school within the district wherein his property taxed is situated. Atty. Genl's Report, 1904, 29.

When once voted the tax is a lien on all property within the district until repealed. Atty. Genl's Op., 1904, p. 30; or the land is taken out of the district by an alteration of lines. Atty. Genl's Op., 1904, 31.

A taxpayer participating in the election is estopped to deny regularity. Martin v. School District of Laurens, 57 S. C., 125.

Sec. 1208a. (Act of 1907, 25 Stats., 522, as amended by Act of 1909, 26 Stats., 89.) 1. The Trustees of any public school district in the State of South Carolina are hereby authorized and empowered to issue and sell coupon bonds of the said school district, payable to bearer, in such denominations and amount as they may deem necessary, not to exceed four per cent. of the assessed valuation of the property of the district for taxation, and bearing a rate of interest not exceeding six per cent. per annum, payable annually or semi-annually, and at such times as they may deem best: Provided, That the question of issuing the bonds authorized in this section shall be first submitted to the qualified voters of such school district at an election to be held upon the written petition or request of at least one-third of the resident electors and a like proportion of the resident freeholders

of the age of twenty-one years, to determine whether said bonds shall be issued or not, as herein provided: Provided, further, That before any election is held under this Act it shall be the duty of the trustees of the school district to have a survey of said school district made by some competent surveyor and a plat thereof made and filed in the office of the clerk of court: Provided, further, That the maximum percentage of assessed valuation as fixed above shall not apply to Rosemary School District in the County of Georgetown, but that in said school district the maximum percentage of assessed valuation of property shall be eight per cent.

2. For the purpose of determining the issue of bonds authorized in Sec. 1 of this Act, such trustees of school district shall order an election to be held at such place in such school district as may be designated by such trustees of such school district on the question of whether such bonds shall be issued or not, in which election only qualified voters residing in such school district shall be allowed to vote, and such trustees shall give notice of such election for ten days in a newspaper published in such district, or by posting such notice in three public places in such school district; shall designate the time and place and appoint the managers of such election, and receive the returns of the managers of such election, and declare the results.

3. The ballot cast must have written or printed on it the words "For Bonds" or "Against Bonds."

4. If a majority of the votes cast at such election shall be for issuing the bonds, such trustees shall issue such bonds, which shall run not longer than twenty years from date of issue thereof, which shall be sold by such trustees at not less than par, and proceeds of which shall be used by such trustees for the purpose of erecting buildings, and for equipment for maintaining public schools in such school district, or for paying the indebtedness of such school district; and such bonds and coupons of the same shall constitute a lien upon the property of such school district; it shall be the duty of the county officers charged with the assessment and collection of taxes, to levy and collect annually from all the property, real and personal, within the limits of such school district, a sum sufficient to pay the interest on such bonds, and also a sum sufficient to provide a sinking fund for the payment of such bonds when due, and the coupons

thereof shall be received for school taxes upon property within such school district.

5. All bonds issued under and in pursuance of this Act shall be signed by the trustees of such school district: Provided, That the signatures of such trustees shall be lithographed or engraved upon the coupons attached to such bonds, and such lithographed signatures shall be sufficient signing thereof.

6. The proceeds of such bonds as are contemplated in this Act shall be deposited with the County Treasurer of the county in which such school district is located, and shall be received for by such County Treasurer, and shall be paid out by him only upon the warrant of such Board of Trustees, as provided by law for the handling, expending and accounting for all other public school funds: Provided, That nothing in this Act shall be construed as affecting any bonds already issued or voted in any school district of the State or bonds authorized by special Acts of the Legislature.

7. That the Treasurers of the counties in which said school districts are situated are directed and requested to deposit all moneys in their hands belonging to the sinking fund which may accumulate under the provisions of this Act in some savings institution or bank approved by the Board of Trustees of said school district, at the best rate of interest that can be obtained until the said bonds mature, and that the said Treasurers shall, at the direction of the Board of Trustees, change the place of deposit at any time.

1208b. (Act of 1898, 25 Stats., 1051.) All bonds hereafter issued or sold, or to be hereafter issued or sold, by the trustees of any school district or school districts pursuant to the vote of the majority of the qualified voters of such school district, or school districts, voting at an election heretofore or hereafter held for the erection of buildings, for equipment, for maintaining public schools in such district or districts, or for paying indebtedness of such district or districts, shall be exempt from all taxation for State, county, municipal or school purposes.

**Note.**—See the High School Act of 1907, 25 Stats., 518, as amended in 1908, 25 Stats., 1119, and 1909, 26 Stats., 85, published in separate pamphlet by the State Superintendent in 1909, with the high school regulations and courses of study.

Sec. 1209. Whenever it shall happen that by reason of the location of special school districts portions of two adjacent counties should for convenience be included in one school district, the County Boards of Education of such counties are hereby authorized and directed in joint conference to make such regulations as will enable such sections to be established into a separate school district.

Sec. 1210. Each County Board of Education, on the first Tuesday of July, 1908, and on the first Tuesday in July two years thereafter, shall appoint for each school district in their county three School Trustees, from the qualified electors and taxpayers, residing in the district, who shall hold their office for two years, and until their successors are appointed and qualified, unless sooner removed by the County Board of Education. The County Board of Education shall have power to fill, from time to time, all vacancies in the Board of Trustees. The School Trustees shall meet as a Board as soon and as often as practicable, and after having been appointed and qualified, at such place as may be most convenient in the district. At their first meeting they shall organize by electing one of their number Chairman of the Board, who shall preside at the official meetings of the Board, and another Clerk of the Board, who shall record their proceedings in a book provided for that purpose. Each member of the Board of Trustees shall be duly notified of all meetings of the Board by the Clerk of the Board: Provided, That the foregoing provisions of this section shall not apply to special and graded school districts created by special Acts; but that the Trustees and School Commissioners of all special and graded school districts shall remain the same in number, and shall be elected or appointed in the same manner, and shall hold the office for the same time as is provided for in the respective special Acts; except that in the special school districts where the Trustees, or their successors, are appointed by the State Superintendent of Education under the provisions of the special Acts, the Trustees shall hold office until the first Tuesday in July, 1908, on which day, and on the same day every two years thereafter, the Trustees shall be elected by the qualified electors of such school district: Provided, That special school districts having a population of not less than five thousand inhabitants, and in

which the Boards are not fixed by special or specific legislation, may elect, on the second Tuesday in January, 1904, or on the second Tuesday in January of any alternate year thereafter, nine Trustees, to constitute a Board in their respective districts: Provided, further, That three of the said Trustees to be elected at said election shall serve for a term of two years, three for a term of four years, and three for a term of six years, the term of each Trustee to be determined by lot in the presence of the County Board of Education; and on the second Tuesday of January every two years thereafter, three Trustees shall be elected to serve for a term of six years. The election of all Trustees for all such school districts shall be by ballot, and shall be conducted under the supervision of three qualified electors residing within the district, who shall be appointed by the County Board of Education, at least ten days prior to the holding of the election. The managers shall report the result of the election to the County Board of Education, within ten days thereafter, which Board shall commission the Trustees so elected. The Board of Trustees of each special or graded school district shall elect from their number a Chairman, who shall preside at their meetings, and a Secretary, or Secretary and Treasurer, who shall record the proceedings of the Board, and who shall keep a full and accurate account of all moneys received and expended, showing the source and disposition of each item, and who shall make a complete itemized report of the receipts and disbursements of each scholastic year to the County Superintendent of Education, on or before the 15th day of July of each year. The books and vouchers of the Secretary and Treasurer shall be open at all times to inspection by the public: Provided, further, That upon the petition of one-third of the qualified electors of School District No. 13, in Abbeville County, filed with the County Superintendent of Education, on or before the first day of June in any year, when School Trustees are to be appointed, the County Board of Education shall order an election to elect the Trustees for School District No. 13 in the manner herein provided for in the election of Trustees of Special School Districts. (23 Stats., 63; 24 Stats., 528 and 25 Stats., 30.)

**Note.—Qualifications of Trustee:** He must have resided in the county one year, and be a resident qualified elector and tax-

payer in the school district. Atty. Genl's Op., 1904, 40. He need not be a freeholder. Atty. Genl's Op., 1904, 42.

There are to be three Trustees only, except where by a special provision of law provision is made for a larger number. Atty. Genl's Op., 1903, 1065.

The terms of the Trustees expire on the first Tuesday in July in alternate years. Atty. Genl's Op., 1903, p. 1066-1068.

This section does not affect the election of Trustees in special districts created by special Act, except as expressly provided. Atty. Genl's Op., 1903, p. 51 and 47.

School Trustees cannot hold any other office; for instance, Mayor. Atty. Genl's Op., 1907, p. 106; City Clerk, Atty. Genl's Op., 1907, p. 108; or Clerk of Dispensary Board, Atty. Genl's Op., 1908, p. 105; but may accept other employment, not being an officer, as rural mail carrier. Atty. Genl's Op., 1907, 108 and 109.

If he accepts another office, he may still act as a Trustee until his office is declared vacant in a judicial proceeding. Atty. Genl's Op., 1905, 47.

Two members being a majority of the Board can transact business, Atty. Genl's Op., 1906, p. 105; if the absent member has been notified of the time and place of meeting, Atty. Genl's Op., 1905, p. 47.

School Trustees may be removed by the County Board without preferring charges against them. Atty. Genl's Op., 1905, p. 56.

Sec. 1211. The Board of Trustees in each school district shall take the management and control of the local educational interests of the same, and shall visit each school district at least once in every school term, and shall be subject to the supervision and orders of the County Board of Education.

State ex rel. Bryson v. Daniel, 52 S. C., 201, 29 S. E., 633.

Sec. 1212. The Board of Trustees shall hold a regular session in their school districts at least two weeks before the commencement of any or every school term for the transaction of any and all business necessary to the prosperity of the schools, with power to adjourn from time to time and to hold special meetings at any time or place when called upon by the Chairman or any two members of the Board.

Sec. 1213. The School Trustees of the several school districts are authorized and empowered to sell any school property, real or personal, in their school districts whenever they deem it expedient to do so, and to apply the proceeds of sale or sales to the school fund of the district wherein such sale is made: Provided, That the consent of the County Board of Education be first obtained by the Trustees desiring to make such sale. That it shall be the duty of the said Board of Trustees, within thirty days after said sale, to enclose a report of the same to the County Board of Education, setting forth the terms and amount of said sale.

Sec. 1214. When it shall so happen that persons are so situated as to be better accommodated at the school of an adjoining school district, whether special or otherwise, the Board of Trustees of the school district in which such persons reside may transfer such persons for education to the school district in which such school is located; and the Trustees of the school district where the school is located shall receive such persons into the school as though they resided within the district: Provided, That children shall not be transferred from a school district in one county to a school district in an adjoining county without the consent of the Board of Education of the respective counties in which the transfer is made: Provided, further, That if any taxpayer pays taxes in two or more counties he shall have the right to send his children to the school of any one of said counties.

For directions as to enrollment, see Sec. 1185, ante.

**Note.**—The transfer is only authorized between adjoining districts, Atty. Genl's Op., 1903, 1069; scholars from one district are not entitled to free tuition in another district unless transferred under this section, Atty. Genl's Op., 1906, 103, 1905, 48. They cannot be received as free pupils without such transfer. Atty. Genl's Op., 1904, p. 37. But if so transferred they cannot be charged tuition. Atty. Genl's Op., 1905, p. 63; 1904, p. 36 and 50. The district to which the transfer is made cannot refuse to receive the pupil. Atty. Genl's Op., 1904, p. 38 and 39. The order making the transfer may be reviewed by the County Board of Education or appeals. Atty. Genl's Op., 1905, p. 50 and 54; 1904, p. 34. It is too late to appeal after both district Boards have acquiesced in the transfer. Atty. Genl's Op., 1904, 36.

Sec. 1215. Each school teacher shall make out and file with the Clerk of the Board of Trustees, at the expiration of each school month, a full and complete report of the whole number of pupils admitted to the school during each month, distinguishing between male and female, the average attendance, the branches taught, the number of pupils engaged in studying each of said branches, and such statistics as he or she may be required to make by the County Board of Education: Provided, That whenever a teacher is unavoidably prevented from filing said report at the expiration of any school month, the Board of School Trustees may have authority to receive the report within a reasonable time thereafter, if, in their opinion, the reasons for the delay are good and sufficient. On the filing of the teacher's report and its approval by the Board of Trustees, their Clerk shall draw an order in duplicate on the County Treasurer for the amount due such teacher, which shall be signed by the Board, which order, if accompanied by a copy of said monthly report and approved by the County Superintendent of Education, shall be countersigned by him and the duplicate filed in his office.

**Note.**—Pupils cannot be included in enrollment unless they have attended at least ten days during the session. Atty. Genl's Op., 1905, 63. Separate pay warrant must be issued to each teacher. Atty. Genl's Op., 1904, p. 44. And salaries are to be paid only for the term the public school runs. Atty. Genl's Op., 1903, p. 1076.

Sec. 1216. All claims, of every description whatsoever, which are chargeable against the fund raised for the support of the free public schools of the State, except such as are otherwise provided for by law, must be signed by at least a majority of the Board of Trustees of the school district against which the claims are chargeable; and the correctness and legality of the same shall be sworn to and subscribed by the person presenting such claim before it shall be approved by the person or persons authorized by law to give such approval. School Trustees and County Superintendents of Education shall, free of charge, administer oaths to persons presenting the claims contemplated by this section.

Approval of claim is not compellable by mandamus. State ex rel. Williams v. Hiers, 51 S. C., 388, 29 S. E., 90; The endorsement of approval need not be under official seal. State v. Morton, 51 S. C., 323, 28 S. E., 945.

Sec. 1217. It shall be unlawful for a School Trustee to receive pay as a teacher of a free public school.

Sec. 1218. The Board of Trustees shall also have authority, and it shall be their duty:

1st. To provide suitable school houses in their districts, and to make the same comfortable, paying due regard to any school house already built or site procured, as well as to all other circumstances proper to be considered so as best to promote the educational interests of their district.

**Note.**—Location of school house site by Trustees is subject to review by the County Board of Education. Sligh v. Bowers, 62 S. C., 409, 40 S. E., 885; Young v. Trustees, 64 S. C., 131.

See, also, Atty. Genl's Op., 1904, p. 26.

**Note.**—The Trustees can designate what school a pupil shall attend. Atty. Genl's Op., 1903, 1068; or may discontinue a school. Atty. Genl's Op., 1903, 1073; or located in a private building. Atty. Genl's Op., 1903, 1073 and 1074. Trustees are not authorized to submit question of location to an election. Atty. Genl's Op., 1903, 1072.

2d. To employ teachers from those having certificates from their County Board of Examiners or from the State Board of Education, and to fix their salaries, and to discharge the same when good and sufficient reasons for so doing present themselves, subject to the supervision of the County Board of Education.

**Note.**—Construed in connection with Sec. 1211 to mean "subject to the supervision and orders of the County Board of Education."—State ex rel. Bryson v. Daniel, 52 S. C., 201, 29 S. E., 633.

(As to the employment of teachers related, or kin to Trustees, see Sec. 1228 below.)

The action of the School Trustees fixing salaries of teachers may be reviewed by the County Board of Education. Atty. Genl's Op., 1905, p. 56.

The teacher elected must be one having a certificate. Atty. Genl's Op., 1904, p. 43; and cannot be elected for a longer term than that of the Trustees electing. Atty. Genl's Op., p. 43; also Aug. 6, 1901. The Trustees cannot employ a Superintendent to visit and supervise the work of the schools in their district. Atty. Genl's Op., 1904, p. 44.

The dismissal, but not the employment, of teachers is subject to review of the County Board of Education. Atty. Genl's Op., Oct. 11, 1901.

No general or special School Trustees shall hereafter employ any teacher who has not a certificate to teach in the free public schools of the State. This provision, however, not to affect the employment of any teacher now teaching in any of the schools of the special School Districts: Provided, further, That the Trustees of any such school shall always have the right and power to impose any additional examinations and qualifications they may deem proper before or after employing any teachers: Provided, also, That all funds of the free public schools of this State other than those arising from the special levy of special School Districts shall be paid out of the County Treasury, upon warrants duly vouched by the School Trustees of the respective schools or school districts, or otherwise, as provided by the laws governing any special School District.

3d. To suspend or dismiss pupils when the best interests of the schools make it necessary.

4th. To call meetings of the qualified electors of the district for consultation in regard to the school interests thereof; at which meetings the Chairman or other member of the Board shall preside, if present.

5th. To take care of, manage and control the school property of the district.

6th. To visit the free public schools within their district, from time to time, and to take care that they are conducted according to law and with the utmost efficiency.

7th. They shall be allowed to cross all bridges or ferries free of charge when they are traveling on official business.

**Note.**—The Trustees cannot charge the pupils incidental fees. Younger v. Trustees, 64 S. C., 131.

Sec. 1219. The County Auditor shall require each taxpayer to return the number and name of the school district in which he resides when he makes his tax return, and the Auditor shall state the name in a separate column in the tax duplicates.

Sec. 1220. The County Auditor, when he has completed the tax duplicates, shall report to the County Superintendent of Education, by school districts, the names listed for poll tax, and the amount of taxable property where there is a special levy.

**Note.**—The report, or information, given the County Superintendent of the poll tax listed in each district is in fact an apportionment of such tax, and to be treated as such. Atty. Genl's Op., 1903, p. 1063.

Sec. 1221. The several County Treasurers shall retain the poll tax collected in their respective counties; and it is hereby made the duty of the said Treasurer in collecting the poll tax to keep an account of the exact amount of said tax collected in each school district in his county, and the poll tax collected therein shall be expended for school purposes in the school district from which it was collected; and any violation of this section by the County Treasurer shall constitute, and is hereby declared, a misdemeanor, and on conviction thereof the said County Treasurer shall pay a fine not more than five hundred dollars, to be used for school purposes in the county suffering from such violation, or imprisonment, in the discretion of the Court.

Sec. 1222. Each County Treasurer, when he has finished the collection of taxes for his county, shall report to the County Superintendent of Education the names of the persons in the respective school districts who have paid their poll tax.

Sec. 1223. It shall be the duty of each County Treasurer to report monthly, on the fifteenth day of each month, to the County Superintendent of Education of his county, the amount of collections and disbursements made by him for the month on account of school tax and all other school funds; and it shall be a misdemeanor on the part of any County Treasurer to neglect, fail or refuse to make such report, and on conviction thereof he shall pay a fine of not more than five hundred dollars, the same to be used for school purposes in his county.

Sec. 1224. All moneys disbursed by any County Treasurer on account of school funds, taxes or other school funds, shall be paid on the order of the Board of School Trustees, countersigned by the County Superintendent of Education, or as otherwise directed by law.

**Note.**—Distinction between countersigning, and drawing a warrant on school funds.

*Ex parte Board of Commissioners Florence Graded Schools, in re McDuffie, School Commissioner, 43 S. C., 11, 20 S. E., 794.*

Sec. 1225. Each County Treasurer shall make out and forward to the State Superintendent of Education annually, on the first day of November, a certified statement showing (by school districts) the amount of poll tax and the amount of all other school taxes collected by him for the fiscal year ending on the 31st day of December next preceding; and should any County Treasurer fail or neglect or refuse to make and forward the statement as herein required, the State Superintendent of Education shall make a written complaint to the Circuit Solicitor for the county in which the said Treasurer resides, who shall prosecute the said County Treasurer for the same, and on conviction thereof he shall be subject to a fine of not more than five hundred dollars, the same to be used for free public school purposes in his county.

Sec. 1226. The County Treasurer shall carry forward all sums in his hands collected for any previous year or years for school purposes, and unexpended, to the next fiscal year, and credit the same to the school district respectively for which it was apportioned, and he shall report the same to the County Superintendent of Education.

Sec. 1227. It shall be unlawful for any County Treasurer, County Auditor, member of County Board of Education, or School Trustee, to buy, discount or share, directly or indirectly, or be in any way interested in any teacher's pay certificate or other order on school fund, except such as are payable to him for his own services, or for any School Trustee to make any contract, or be pecuniarily interested, directly or indirectly, in any contract with any school district of which he is Trustee.

See Criminal Code, Sec. 418, for penalty for violation of this provision.

Sec. 1228. The County Board of Education shall regulate the opening and closing of the school terms so as best to promote and subserve the educational interest of the different sections of their counties: Provided, That all contracts which Boards of Trustees may make in excess of the funds apportioned to their districts shall be void. And no teacher shall be employed by a Board of Trustees of any school district who is related to a member of the Board by consanguinity or affinity within the second degree, without the written approval of the Board of Education of the county, nor unless a majority of the parents or guardians of the children attending the school for which such teacher is employed requests such employment in writing.

**Note.**—Contracts in excess of funds are void, being beyond the power of the Trustees. *State v. Bowman*, 66 S. C., 153.

A petition should be signed by the parents as desiring the employment of a relative of a Trustee as teacher, and the approval of the County Board of Education should be endorsed thereon. Atty. Genl's Op., 1905, 65; 1904, 42.

The term, "second degree," includes persons related as uncle and nephew or niece, first cousins, and those nearer. Atty. Genl's Op., 1904, p. 42.

After the petition, nomination or request in writing is submitted, it is for the Trustees to elect or not as they see proper. Atty. Genl's Op., 1903, p. 1075.

Sec. 1229. It shall not be lawful for any person who is less than six or more than twenty-one years of age to attend any of the free public schools of this State.

**Note.**—This prohibits the establishment of free kindergarten for children under six years by Trustees. Atty. Genl's Op., 1903, 1061.

Sec. 1230. The members of the State Board of Education appointed by the Governor, members of the County Boards of Education appointed by the State Board of Education and members of the Board of Trustees shall be exempt from militia duty.

**Note.**—School Trustees and teachers employed in public schools are exempted from liability to work on the public roads, by Act of 1905, 24 Stats., 874.

See Criminal Code for penalty for members of County Boards of Education and School Trustees attempting to act after expira-

tion of their term, or removal from office; and for teachers acting as agents for school books.

Sec. 1231. It shall be unlawful for pupils of one race to attend the schools provided by Boards of Trustees for persons of another race. (Cited in *Flood v. News and Courier Co.*, 71 S. C., 118.)

Sec. 1232. The scholastic year shall begin on the first day of July of each year and end on the thirtieth day of June following.

Sec. 1233. The free public schools of the State shall be kept open and the exercises thereof continued, in each school district in the State, for a period of at least three months in each and every year.

Sec. 1234. The Comptroller General, in determining whether any deficiency exists in any school district, for the purposes of the distribution of the fund mentioned in the next succeeding section, shall make his estimate upon the basis of the allowance to each school in every school district, out of the three mill constitutional tax and poll tax, the sum of seventy-five dollars for the expenses of such term of three months, for each school existing during the scholastic year 1897-1898.

Sec. 1235. All net income derived by the State from the sale of liquors in this State, under the dispensary law, shall be apportioned among the various counties of this State, for the benefit of the common schools, in proportion to the deficiencies existing in the various counties of this State, after the application of the three mill tax and the poll tax, to run the public schools for the time fixed in Sec. 1233; and if there shall be a surplus remaining of such net income, after such deficiencies shall have been equalized, it shall be devoted to public school purposes, and be apportioned among the counties in proportion to the enrollment in the public schools, as shall appear by the report of the State Superintendent of Education for the next preceding scholastic year, and be distributed among the school districts of the counties, and be disbursed as other school funds: Provided, That out of said surplus there shall be appropriated five thousand dollars for the purpose of maintaining institutes for the better instruction of the teachers of the public schools, the same to be paid on

the warrant of the Governor and the State Superintendent of Education; and all funds derived from said dispensary law, not already disbursed, shall be apportioned in the same way.

**Note.**—When mandamus will issue to compel apportionment. *State ex rel. Capers v. Derham*, 54 S. C., 349, 32 S. E., 418.

Sec. 1236. Such apportionment shall be made by the Comptroller General quarterly, and he shall draw his warrant upon the State Treasurer in favor of the County Treasurer of the respective counties for the amounts apportioned to such counties, respectively.

Sec. 1236a, 23 Stats., 1103. (1) The Directors of the State Dispensary shall pay over to the State Treasurer by January 1, 1904, in equal semi-annual payments, all of the school fund reported by them in excess of four hundred thousand dollars, for the benefit of the common schools of the State, to be apportioned by and paid out on the warrant of the Comptroller General as is now provided by law for the apportionment and payment of Dispensary profits for the benefit of said schools: Provided, That the first payment shall be made on the 30th day of June, 1902.

(2) The Directors of the State Dispensary shall make quarterly settlements for the purpose of ascertaining the net profits accruing to the State from the sales made from the State Dispensary, and shall pay over the profits so ascertained to the State Treasurer within ten days thereafter, for the benefit of the common schools of the State, to be apportioned by and paid out on the warrant of the Comptroller General as is now provided by law for the apportionment and payment of dispensary profits for the benefit of said schools. The first settlement made under this Act shall be on the 31st day of March, 1902.

(3) The County Treasurers of the several counties of this State shall not pay to the authorities of the several cities and towns, entitled to dispensary profits, their share of such profits except upon the warrants of the County Board of Control and County Auditor issued to the authorities of said cities and towns, when settlements are made by them as required by law. The said County Board of Control and County Auditor shall at the same time also certify in writing to the County Supervisor of the county entitled to share the dispensary profits the amount thereof to which the county is entitled.

(4) All profits from County Dispensaries subject to distribution among the counties, cities and towns of the State which have accrued since the fourth Monday of December, 1901, and which may hereafter accrue, shall be distributed monthly among the counties, cities and towns entitled thereto in the proportion fixed by law, and that the settlements to ascertain the same shall be made on the fourth Monday in each month, instead of quarterly, as heretofore provided by law.

1235a. (Act of 1909, 26 Stats., 165.) For the purpose of equalizing the free school term throughout the State, the sum of twenty thousand dollars is hereby appropriated. And the State Superintendent of Education is hereby directed to apportion the same for the purpose of supplying the deficiencies which Sec. 6 of Art. XI of the Constitution of this State requires the General Assembly to provide for. And the said sums shall be expended in accordance with the provisions of said section of the Constitution in such manner as will give aid to schools in proportion to the deficiencies as they may be found to exist—the greatest deficiency receiving the greatest aid—so far as said fund will extend: Provided, That no school shall receive aid hereunder until a fund shall have been raised by the district, by levy or otherwise, which will equal one-half the amount to be received from this fund: Provided, further, That no school whose proportion of the regular school fund is sufficient to keep such school in operation for one hundred or more school days during the scholastic year, shall receive any aid under the provisions of this Act: Provided, further, That the maximum amount distributed to any one school under the provisions of this Act, shall be one hundred dollars per annum.

2. The State Board of Education is hereby authorized and empowered to make rules and regulations for the guidance of the State Superintendent in the disbursement of this fund.

**Note.**—For regulations as to State aid to high schools, see the Act of 1907, 25 Stats., 518, amended in 1908, 25 Stats., 1119, and in 1909, 26 Stats., 85, published in a separate pamphlet by the State Superintendent of Education, with the high school regulations and courses of study.

Sec. 1237. The State Superintendent of Education may advertise for bids for all printing required under this chapter, and

shall let the same to the lowest bidder therefor, who shall be required to file with his bid a bond in double the amount of his bid for the faithful performance of the contract.

Sec. 1238. Nothing contained in this Act shall be construed to repeal the Acts of the General Assembly creating special and graded school districts, and the provisions of said Act shall apply to said school districts: Provided, That the Trustees of said school districts and Commissioners of the city schools of Charleston shall make annual reports to the State Superintendent of Education in such form and at such time as he may prescribe: Provided, further, Whenever under the provisions of law any school district or municipal corporation is authorized to levy a special tax for the support of public schools therein, any person not a resident of said school district or municipal corporation shall be entitled to a credit upon fees for the tuition of his or her children by the amount of such special tax paid by such person.

**Note.**—Rights of special school districts not affected by the general school law until so specified. Holler v. Rock Hill School District et al., 60 S. C., 41, 38 S. E., 220; Martin v. School District of Laurens, 57 S. C., 125, 35 S. E., 517.

Sec. 1239. (Am., 1908, 25 Stats., 1123.) The County Boards of Education of the several counties of this State are hereby authorized and required to set aside from the public school funds of their respective counties an amount not exceeding five hundred dollars, for the purpose of providing the pupils attending the free public schools of their counties with school text-books at actual cost or exchange prices, the amount so set aside from the school funds shall be paid to the County Superintendent of Education by the County Treasurer out of the unappropriated general school funds in his hands, on the warrant of said County Board of Education, and shall be and remain permanent funds in the hands of the County Superintendent of Education to be used in purchasing and keeping on hand school text-books for sale to pupils attending the free public schools in his county, for cash, at actual cost or exchange prices, and to be used for no other purpose and in no other manner; and the places where said school text-books are kept and sold shall be deemed depositories, under the control of the State, as provided in the seventh article

or provision in the contract made in 1893 with the publishers of school text-books. That the County Superintendent of Education in every county in the State be, and is hereby, required to keep his office open each day of the week prior to the time appointed for schools to open in his county, and for one week immediately thereafter, and for at least one day in each week during the remainder of the school term, for the convenience of those wishing to purchase books: Provided, That in the counties of Charleston, Edgefield, Chesterfield, Georgetown, Kershaw, Lancaster, Laurens, Greenwood, Lexington and Richland, the County Boards of Education are hereby authorized and empowered, but not required, to carry out the provisions of this section: Provided, however, That nothing herein contained shall prevent the keeping of said depository in some other place than the office of the Superintendent of Education, if in his judgment it is best to do so.

Sec. 1239a. (G. S., Vol. 24, Sec. 441.) That immediately after the approval of this Act by the Governor, the County Superintendents of Education in the several counties of this State are hereby authorized and required to select and secure a reliable merchant, postmaster or other reliable person in each township in each county, with whom there shall be deposited a sufficient number of school books for sale for schools in that township, at not exceeding ten per cent. above first cost; and that accurate accounts thereof shall be kept by the said County Superintendent with each depository.

**Note.**—This Act is cumulative, and does not repeal Sec. 1239 requiring depository in office of County Superintendent of Education. Atty. Gen'l's Op., 1905, p. 54.

Sec. 1239b. XXIII, 1020. Whenever it shall be made to appear to the satisfaction of the Trustees of any school district that any patron of such school is unable by reason of poverty to purchase the necessary books for the use of his or her child or children, then in such case the Trustees of such school district may, in their discretion, purchase such necessary books for such pupils, and furnish the same to pupils under such regulations as the Trustees may prescribe: Provided, The sum so expended for the purchase of said books shall not exceed the sum of five per cent. of the school fund of said district in any one year: Pro-

vided, further, That the books so purchased shall be the property of such public school district, and must be returned to the Board of Trustees at the end of each term.

Sec. 1240. That in all schools and colleges within this State which are supported in whole or in part from the free school funds, it shall be unlawful to use any text-book which has been condemned or disapproved by the State Board of Education.

Sec. 1241. All persons holding school claims against any county of this State which are unpaid are hereby permitted and allowed to prove and establish the same before the County Superintendent of Education, the County Treasurer and County Auditor of said county.

If said claims are declared valid and binding obligations by said County Superintendent of Education, Auditor and Treasurer against the school district for which they were issued, the County Treasurer of said county is hereby authorized and directed to pay any of said claims declared valid out of the first money coming in his hands as Treasurer belonging to the school district against which said claim or claims are established.

Sec. 1241 (a) (Act of 1909, 26 Stats., 132). Any and all school warrants issued by any Board of Trustees against any public school fund shall not be paid by the County Treasurer or other officer having the custody of such fund until the warrant has been approved by the County Superintendent of Education of the county in which said warrant is drawn.

See Acts 1901, XXIII, 826, as to payment of claims in Clarendon, Laurens, Marion, Newberry and Sumter counties.

Sec. 1241a. (23 Stats., 1019.) The County Treasurers and the County Supervisors of the several counties in this State be, and they are hereby, authorized and required, upon the application of the County Boards of Education of the respective counties, to borrow, from time to time during any fiscal year, such sums of money as may be necessary to pay the school claims of such counties, not to exceed seventy-five per cent. of the amount reported by the County Auditors for schools for said fiscal year, at a rate of interest not exceeding the rate of seven per centum per annum, and to pledge the taxes to be collected for that purpose for the payment of the money so borrowed and the interest

thereon: Provided, That all money borrowed shall be held and paid out by the County Treasurer as school funds and without extra commission.

Sec. 1241c. (23 Stats., 1019). In any county in this State where the schools have not funds sufficient to pay all claims in cash, the County Board of Education may, at its discretion, direct the County Superintendent of Education to set aside from the school funds of the county, or any of the school districts, an amount annually of not exceeding ten per cent. of such funds, for so many years as may be necessary to create a sufficient fund to put the schools of such county or any of the school districts on a cash basis.

**Note.**—Surplus funds in one district cannot be applied even temporarily to another. Atty. Genl's Op., 1905, p. 44.

Sec. 1241d. Whenever said reserve fund reaches such an amount sufficient to put said county or school district, as the case may be, on a cash basis, then said fund may be used for said purposes: Provided, That in each year during the time necessary to create such reserve fund, the County Superintendent of Education shall use the fund accumulated as a loan, without interest, to pay claims held by teachers to whom the pay certificates were originally issued, the funds so used to be replaced annually from taxes collected for school purposes.

Sec. 1242. The free public schools of this State shall observe the third Friday in November of each year as Arbor Day, and on that day the school officers and teachers shall conduct such exercises and engage in the planting of such shrubs, plants and trees as will impress on the minds of the pupils the proper value and appreciation to be placed on flowers, ornamental shrubbery and shade trees.

Sec. 1242a. (G. S., Vol. 25, 22.) That the public schools of this State shall observe Calhoun's birthday, the 18th of March of each year, as "South Carolina Day," and on that day the school officers and teachers shall conduct such exercises as will conduce to a more general knowledge and appreciation of the history, resources and possibilities of this State: Provided, That if the said day shall fall on Saturday or Sunday that the Friday nearest to March 18th shall be selected: Provided, further, That if any

school shall not be in session on the said date, that the celebration may be held before the close of the term.

That the State Superintendent of Education shall suggest such topics or programmes as he may deem appropriate for the celebration of South Carolina Day.

Sec. 1242b. (G. S., Vol. 24, p. 878.) Whenever the patrons and friends of a free public school shall raise by private subscription and tender to the County Treasurer, with the approval and endorsement of the School Trustees of such school district, for the establishment of a library to be connected with the said school, the sum of ten dollars, the County Board of Education shall appropriate from the money belonging to the school district asking for the library, the sum of ten dollars for this purpose (together with ten dollars from the general county school fund for a suitable bookcase, which shall be approved by the County Board of Education.)

As soon as the County Board of Education of any county shall have made an appropriation for a library in the manner prescribed, the County Superintendent shall inform the Secretary of the State Board of Education of the fact, whereupon the said State Board of Education shall remit the County Superintendent the sum of ten dollars for the purchase of books for said library. Upon the receipt of this money, the County Superintendent shall deposit the same with the County Treasurer, and shall issue to the person or persons appointed to select the books, a warrant on the County Treasurer for the amount secured by private subscription, by appropriation from the County Board of Education, and by the State Board of Education.

The local Board of Trustees is hereby appointed to select the books, and shall select such books as they may deem best suited for such purpose, and file with the County Superintendent of Education vouchers for the whole amount received: Provided, That no voucher shall be valid except for books, bookcases, and transportation charges: Provided, further, That such purchases shall be from a list furnished by the State Board of Education, which the said State Board shall adopt books for libraries, under the law and rules governing the adoption of text-books, and shall make rules for the governing of said libraries.

The Trustees of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be enjoined by the State Board of Education, and shall make provisions for having all books, when not in circulation, kept under lock and key.

The Trustees of two or more libraries may, by agreement, exchange libraries: Provided, That no exchange shall be made oftener than once in six months, and no part of the expense of exchanging libraries shall be borne by the public.

That the sum of \$5,000 be annually appropriated to be expended by the State Board of Education, under the provisions of this Act.

Not more than 25 schools in any county shall be entitled to the benefits of this Act. The schools receiving this benefit shall be decided by the County Board of Education: Provided: That the State Board of Education, after having set aside enough of this appropriation to meet the needs and demands of the schools, may use the balance to pay transportation, drayage and other necessary expenses in the circulation of any traveling libraries which may be donated or loaned to the State; also for any traveling cabinets of museum specimens which may be furnished under similar terms: Provided, further, That any additional balance may be used for prizes for rural school improvement under such terms and rules as the State Board of Education may arrange with the State School Improvement Association. (1908, 25 Stats., 1024.)

Whenever the patrons or friends of any free public school in which a library has been established under the provisions of the laws of this State, shall raise by private subscription and tender the Treasurer of the County School Fund, the sum of five dollars for the enlargement of the library, the County Board of Education shall appropriate from the money belonging to that school district, the sum of five dollars, and the State Board of Education shall remit to the County Superintendent of Education, the sum of five dollars. The money thus collected and appropriated shall be used for the enlargement of libraries already established under the same rules and restrictions as govern the establishment of new libraries: Provided, No appropriation shall be made for the purpose of enlarging any established library where the

same will prevent or interfere with the establishing of a new library. (XXIV: 878: 1024.)

Sec. 1242c. (G. S., Vol. 24.) That the County Boards of Education of the various counties of this State be, and the same are hereby, authorized to annually set aside, from the surplus remaining from the net income derived by the State from the dispensary profits, an amount equal to five per cent. of the entire public school funds of their respective counties, which said amounts shall be used by the said County Boards of Education for the purpose of encouraging and aiding in the construction of adequate public school buildings in their respective counties.

That when the friends, patrons or Trustees of any public school in any school district of any county in this State shall raise by private subscription, special tax, regular tax, sale of old buildings, issuing bonds, or otherwise, funds for building a school house in such district, the County Board of Education of such county shall turn over to the Trustees of such school, from funds set aside for such purpose under this Act, fifty dollars (\$50) for each one hundred dollars (\$100) so raised by such friends, patrons or Trustees for constructing such school building: Provided, No one school shall receive more than three hundred dollars under the provisions of this Act: Provided, further, That no more than one school in any one district, in any one year, shall receive such aid.

That County Boards of Education shall give the preference to school districts which have combined and consolidated two or more school buildings.

That any school district availing itself of the provisions of this Act shall comply with plans and specifications approved by the State Board of Education.

That no school shall receive aid under the provisions of this Act without the approval of the County Board of Education.

That the funds provided for in this Act be paid out by the County Treasurer only upon the warrant of the County Board of Education, countersigned by the County Superintendent of Education, and any funds not used by the end of the year, shall revert back to the general school fund of the respective counties. (24 Stats., Act No. 452.)

Sec. 1243. The Trustees, officers or persons in charge of all literary, scientific or professional institutions of learning incorporated, supported or aided by the State, of all schools or private educational institutions, shall, on or before the fifteenth day of July in each year, make a report in writing to the State Superintendent of Education, of such statistics as the Superintendent shall prescribe relating to the number of pupils and instructors, courses of study, cost of tuition and the general condition of the institution or school under their charge.

The Superintendent shall prepare blank forms of inquiry for such statistics, and shall send the same to every such institution or school on or before the 10th day of May in each year; and so much of said information as he may deem proper be incorporated in his annual report.

See Section 1218, ante, as to restrictions on power of School Trustees in the employment of teachers.

Sec. 1243a. (G. S., Vol. 25.) There shall be imposed and assessed on all dogs in this State a capitation tax of fifty cents annually on each dog, the proceeds of which shall be expended for school purposes, in the several districts in which it is collected.

That dogs shall be returned in the same manner and at the same time that other property is returned for taxation.

That the capitation tax on dogs provided for in this Act shall be collected at the same time and in the same manner that other taxes are now collected.

That the capitation tax provided for in this Act, shall be, and constitute, a first lien in favor of the State of South Carolina on all property owned by any person who owes any such capitation tax. That the collection of the capitation tax provided for in this Act may be enforced against any property owned by the debtor of such tax in the same way and manner as if it were a tax assessed on that specific piece of property.

That no dog which is not returned for taxation, as required in this Act, shall be held to be property in any of the Courts of this State.

That it shall be the duty of the County Auditor and Township Assessors and the School Trustees to enforce the provisions of

this Act, so far as it relates to listing dogs for taxation. (25 Stats., p. 13.)

Sec. 1110. Any Board of Education, School Trustees, or any other body having control of any of the schools, may, on account of the prevalence of any contagious or infectious diseases, or to prevent the spread of any such disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may specify the time such teacher or scholar shall remain absent, or they shall require a satisfactory certificate from one or more reputable practicing physicians that such attendance is no longer attended with risk to others attending school, and may also prohibit the entrance into or attendance at any school of all unvaccinated persons who have not had the smallpox. The said Board of Control or Trustees may also require vaccination of any or all teachers, scholars and attendants if a case of smallpox have occurred in the city or town.

**Note.**—The School Trustees may, on account of the prevalence of any contagious or infectious diseases, or to prevent the spread of any such disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may specify the time such teacher or scholar shall remain absent, or they may require a satisfactory certificate from one or more reputable physicians that such attendance is no longer attended with risk to others attending school, and may also prohibit the entrance into or attendance at any school of all unvaccinated persons who have not had the smallpox. The Trustees may also require vaccination of any or all teachers, scholars and attendants if a case of smallpox has occurred in the town. In case the disease becomes so widespread that it is deemed necessary to close up the school entirely, the local Board of Health of the town or community have authority to do so under Sec. 1104 of the said Code. Atty. Genl's Op., 1905, p. 57.

Sec. 1104. It shall be the duty of the Board of Health as a body, or by committee, with the Health Officer, to make quarterly visits and inspections of all schools, seminaries or colleges (while in session) which are supported in part or entirely by public taxation, and examine and report on the sanitary condition of the same, the abatement and removal of garbage, refuse matter and nuisances which may prove prejudicial to the health

of the pupils. They shall inquire into the purity of the water supply, the condition and efficient working of the drains, waste pipes, soil pipes and cesspools, the ventilation, lighting of the dormitories, lecture and study rooms of the buildings and the appliances in use for fire escapes. In case of the epidemic prevalence of contagions or infections, and in order to prevent the spread of the same, the Board of Health, by and with the consent of the City or Town Council, may order the schools, seminaries or colleges, in such town or city, partially or entirely supported by public taxation, closed until such time as they may deem it safe to reopen them. The Board of Health shall have the right to declare any epidemic or cause of ill health so injurious as to make it necessary to close any or all of the private schools in the limits of such city or town. Whatever sanitary conditions or evils shall be found by the Board of Health to exist in or around the public colleges, schools, etc., shall be reported by the Secretary of the Board of Health to the Trustees of the same, who shall take immediate steps to remedy the sanitary defects according to the rules and regulations prescribed by the Board of Health.

Act of 1905, 24 Stats., 871, Sec. 4: No Superintendent of any institution of learning, and no School Board or principal of any school in this State shall admit as a pupil any child or person who cannot produce satisfactory evidence of having been vaccinated so often as may be directed by the ordinance of the city or town in which the school is located, or if not located within the city or town, so often as the rules and regulations of the State Board of Health may direct.

**Note.**—(Penalty for violation of this law provided in Sec. 6, 24 Stats., 871, is a fine of \$100 or thirty days' imprisonment.)

## Special Provisions as to Schools in Criminal Code

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Sec. 418. It shall be unlawful for any County Treasurer, County Auditor, member of County Board of Education, or School Trustee, to buy, discount or share, directly or indirectly, or be in any way interested, in any teachers' pay certificate, or other order on school fund, except such as are payable to him for his own services, or for any School Trustee to make any contract, or be pecuniarily interested, directly or indirectly, in any contract with any school district of which he is Trustee. If any of the officers aforesaid shall violate the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not less than one hundred dollars nor more than five hundred dollars, to be used for school purposes in his county, and shall be imprisoned not less than three months nor more than twelve months, or either or both, and shall forfeit the amount of such claim or of his interest in such claim.

Sec. 419. That it shall be unlawful for any teacher of a school supported in whole or in part from the public school funds of this State, or any Trustee of any such school, or any other school officer, to become an active or silent agent of any school book publisher, or be in any wise pecuniarily interested in the introduction of any school book or books into any school in this State. Any person violating any of the provisions hereof shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be subject to a fine of not less than one hundred dollars or imprisonment in the county jail for a period of not less than thirty days, or both, at the discretion of the Circuit Judge.

Sec. 420. Within ten days after the County Treasurer makes his monthly report to the County Superintendent of Education, showing the amount of money collected by him since his last monthly report, it shall be the duty of the County Superintendent of Education to apportion the money arising from a tax on property as shown by the Treasurer's report among the school districts of his county and to certify such apportionment to the County Treasurer, together with the poll tax belonging to each

district as shown by said report; and it shall be the duty of the County Treasurer to enter upon his book to the credit of each school district the amount due each district according to such certificate of apportionment, and the County Treasurer shall pay out the money belonging to the respective districts, upon the school warrants of such districts, duly signed and countersigned by the school authorities, for that scholastic year in the order of their presentation, provided that there be no outstanding claims of the previous scholastic year; and the Comptroller General shall receive the warrants thus paid as proper vouchers in the hands of the County Treasurer.

The failure or refusal of a County Superintendent of Education or a County Treasurer to comply with the foregoing provisions, or any of them, shall constitute a misdemeanor, and upon conviction thereof he shall be subject to a fine of not more than one hundred dollars, or imprisonment in the county jail for not more than thirty days.

Sec. 421. Any County Treasurer who shall demand or receive any commissions for paying out the school funds paid out by him from the person charged with receiving them, or shall charge any person commission on the same, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars for each such offense or be imprisoned for a period not less than three months.

Sec. 423. The several County Treasurers shall retain all the poll tax collected in their respective counties; and it is hereby made the duty of the said County Treasurer, in collecting the poll tax, to keep an account of the exact amount of said tax collected in each school district in his county; and the city of Charleston, for the purpose of this section, shall be deemed a school district, and the County Treasurer shall pay over to the City Board of School Commissioners the amount of poll tax collected in said city; and the poll tax collected therein shall be expended for school purposes in the school district from which it was collected; and any violation of this section by the County Treasurer shall constitute, and is hereby declared, a misdemeanor, and on conviction thereof the said County Treasurer shall pay a fine of not less than five hundred dollars nor more than five thousand dollars, to be used for school purposes in the

county suffering from such violation, or imprisonment, in the discretion of the Court.

Sec. 424. He shall, on the fifteenth day of each month, report to the School Commissioner of his county the amount of collections and disbursements made by him for the month on account of poll tax and all other school funds; and it shall be a misdemeanor on the part of any County Treasurer to neglect, fail or refuse to make such report, and on conviction thereof he shall pay a fine of not less than five hundred dollars, the same to be used for school purposes in the county.

Sec. 425. He shall make out and forward annually to the Superintendent of Education, on the first day of November, a certified statement showing, by school districts, the amount of poll and other school taxes collected by him for the fiscal year ending on the 31st day of October next preceding; and on failing, neglecting or refusing to make and forward such statement the State Superintendent of Education shall make a written complaint to the Circuit Solicitor for the county in which the said County Treasurer resides, who shall prosecute the said County Treasurer for the same; and on conviction thereof he shall be subject to a fine of five hundred dollars, the same to be used for free public school purposes in his county.

Sec. 426. It shall be the duty of each Auditor to state, in a separate column, the school district in which the taxpayer resides. At the expiration of the time prescribed by law to receive returns he shall make out and forward to the Board of Trustees of each school district within his county a correct list of the polls returned from their respective districts. When the School Trustees have reported to him the names of all persons who have failed or neglected to make returns, it shall be his duty to enter upon his books the names of all persons thus reported to him, and he shall enter the names of said persons upon the tax duplicate furnished the County Treasurer. And any Auditor failing to comply with either or all of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction before a Court of competent jurisdiction shall be fined in a sum of not more than one hundred dollars or be imprisoned for a term not exceeding thirty days.

Sec. 428. If a member of any County Board of Examiners in any county of this State, or a Trustee of any school district, shall attempt to act or discharge the duties of either of said offices after he has been removed, or after his successor shall have qualified, he shall be deemed guilty of a misdemeanor, and after conviction be punished by a fine of not less than one hundred and one dollars or imprisonment for not less than thirty days, or both, at the discretion of the Court.

Sec. 429. The failure of any County School Commissioner or any County Treasurer of this State to keep a book of entry, in which shall be kept an account known as "general cash account," as required by law, shall be deemed a misdemeanor, and on conviction thereof he shall be subject to a fine of not less than two hundred dollars or imprisonment in the county jail for a period not less than six months.

## **Regulations of State Board of Education**

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Rule 1. The Governor shall be Chairman, and the State Superintendent of Education Secretary of the Board.

Rule 2. The Board shall meet at the call of the Chairman, or at the request of a majority of its members.

Rule 3. The Secretary shall keep a record of the actions of the Board in a book provided for that purpose, which record shall be the only official record of its proceedings.

Rule 4. The order of business shall be as follows: Calling to order, reading of minutes of the previous meeting, unfinished business, reports of Committees, report of the Chairman, report of the Secretary, and new business.

Rule 5. All resolutions shall be reduced to writing by the mover, and likewise all amendments.

Rule 6. A motion must receive a second before it can be entitled to consideration by the Board.

Rule 7. The Chairman and Secretary are authorized to fill all vacancies that may occur in the County Boards of Education, and to report their action to the Board at its meeting for its consideration.

Rule 8. All vacancies in the office of County Superintendent of Education shall be filled by ballot, and a two-thirds vote of the members present shall be necessary to fill the vacancy.

Rule 9. The following is the general plan for the Teachers' Reading Circle as outlined by the State Board of Education: One book on professional reading, one book on general professional reading, one book on miscellaneous reading, literature and current events. The course shall continue for three years and certificates may be renewed from year to year after examination. Teachers who have first grade certificates and who pursue this course successfully will be granted a ten-year certificate. The Reading Circle examination shall be sent out the first Tuesday in December of each year, and all examination papers must be filed with the State Superintendent of Education on or before September 1st following.

Rule 10. The Governor and the State Superintendent of Education are empowered to grant State certificates upon the presentation of diplomas from reputable colleges and universities in other States of as high rank as leading colleges of this State. Such certificates to be subject to confirmation by the State Board at its next meeting.

Rule 11. All scholarship examinations shall be held by the County Boards of Education, and the faculties of the Institutions in which the applicants seek scholarships, shall grade the examination papers of such applicants, except in cases where the law otherwise specifies.

Rule 12. After February, beginning in May, 1903, there shall be two county examinations for teachers' certificates each year, to be held in the spring and in the fall, and hereafter no teacher shall be employed in the public schools of this State who has not registered a certificate in the office of the County Superintendent of Education and submitted proof thereof to the Board of Trustees employing him.

Rule 13. Every applicant for a county certificate shall stand a satisfactory written examination before the County Board of Education, on uniform questions prepared and furnished by the State Board, the examination to be held in all the counties on the same day, or he or she shall present to the County Board a full diploma from some reputable chartered college or university of this State, whose curriculum, standing, faculty and equipment have been examined and approved by the State Board of Education. No certificate shall be issued on a diploma showing that the holder has only completed the course of some particular department of a school; the diploma must show that the full college course has been completed.

#### List of Accredited Colleges:

University of South Carolina,  
Wofford College,  
Furman University,  
Clemson College,  
South Carolina Military Academy,  
Erskine College,  
Newberry College,  
Greenville Female College,

Charleston College,  
Chicora College,  
Limestone Female College,  
Converse College,  
Columbia College,  
College for Women,  
Winthrop College,  
Lander Female College,  
Presbyterian College of South Carolina,  
Due West Female College,  
Memminger Normal School,  
Clifford Seminary.

(Colored)

Claflin University,  
State Colored College,  
Benedict College,  
Avery Normal Institute,  
Allen University,  
Harbison College,  
Schofield Seminary,  
Sterling Ind. Institute,  
Friendship Normal and Industrial College.

Rule 14. Uniform examination questions shall be prepared and furnished by the State Board of Education for county examinations.

Rule 15. There shall be three grades of Teachers' County Certificates—first grade, second grade and third grade—this not to affect any certificate now outstanding.

Rule 16. To obtain a First Grade Teachers' County Certificate, the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than 80 per cent. and not less than 50 per cent. on any one branch.

To obtain a Second Grade Teachers' County Certificate, the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than 70 per cent. and not less than 45 per cent. on any one branch.

To obtain a Third Grade Teachers' County Certificate, the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than 60 per cent. and not less than 40 per cent. on any one branch.

The County Board may, in each instance, impose oral tests in reading and language. In estimating for a second or third grade certificate algebra need not be included; if it would be to the applicant's advantage it may be included.

Rule 17. No person shall be permitted to take an examination who is not at least eighteen years of age, and before taking an examination each applicant shall satisfactorily pass such oral tests in reading and language as the Board may impose.

Rule 18. A First Grade Certificate may be renewed by the County Board from which it was issued. If, however, a Teachers' Institute or Summer School is held in the county, a First Grade Certificate shall not be renewed unless the holder attends the Institute or Summer School, or shows to the State Board of Education some satisfactory reason for not doing so: Provided, The holder has taught during the two years for which the certificate was issued.

A Second Grade Certificate shall not be renewed except where the holder attends a Teachers' Institute or Summer School, and in such case may be renewed.

A Third Grade Certificate shall not be renewed.

Rule 19. The County Board shall issue to each applicant making the required per cent. a certificate, signed by each member of the Board, and under the seal of the office of the County Superintendent of Education of the county, and showing on its face the per cent. made on each branch and the general average. The certificate shall run for two years from its date, and the holder shall be deemed competent to teach in the public schools of the county.

Rule 20. No certificate of qualification shall be granted by any County Board under any circumstances to any person who is under eighteen years of age.

Rule 21. The County Board of one county may recognize a certificate issued by the County Board of another county, but

in such case they shall register the name of the holder, county from which issued, date and number of the certificate, and when so registered, it shall have the same force as if issued in that county.

Rule 22. Each County Board shall keep a register, in which shall be recorded the name, age, sex, color and postoffice of each person to whom a certificate is granted, and also the date and grade of the certificate.

Rule 23. Every claim or warrant issued by a Board of Trustees shall be signed by at least two members of the Board, and should not be approved by the County Superintendent of Education until the Clerk of the Board of Trustees has entered it in a book kept for that purpose.

No pay warrant shall be issued by any Board of Trustees or approved by any County Superintendent of Education in favor of any teacher who, after July 1, 1901, uses in the public schools of this State any text-book to the exclusion of the text-book or text-books herein adopted on the same subject, and who has not registered in the office of the County Superintendent of Education a certificate to teach.

Rule 24. No teacher shall be employed by the Board of Trustees who is related by consanguinity or affinity within the second degree to a member of the Board of Trustees or to a principal of a school, without the written approval of the County Board of Education, nor shall they employ a teacher holding a certificate issued by a County Board of another county until the certificate has been duly registered in the office of the County Superintendent of Education of their own county.

Rule 25. No public school supplies shall be purchased by school officers for use in the public schools of any county in the State except such as are authorized by the State Board to be sold. The venders of all such supplies authorized to be sold by this Board shall enter into a written contract with this Board, in which the prices of the supplies shall be stated, and copies of the supplies shall be placed in the office of the State Superintendent of Education and the supplies sold to the schools shall at all times conform to the samples, and the prices shall not exceed the prices agreed on. The County Boards may allow or disallow

such supplies, or any of them, to be sold in their counties. In case they permit the same to be sold, they shall give the vendor written permission to offer the same to the Trustees of their counties, the prices of the supplies to be named in the written permission, leaving the purchase, or not, of such supplies to the good judgment of the Boards of Trustees. In case the trustees purchase any of such supplies, they may give a warrant against the school fund of their district in payment therefor, but in no case shall the County Superintendent of Education countersign or endorse any such warrant until the supplies have been delivered; the County Superintendent shall hold all such warrants in his possession until the delivery of the supplies is made. All persons purchasing any such warrants before the same have been countersigned by the County Superintendent of Education, do so at their own risk.

Rule 26. All applications on behalf of universities and colleges for approval of course of study by the State Board of Education in order to issue a diploma for the degree of Licentiate of Instruction shall be in writing and show the course of studies pursued in each year, the number of years required to complete the course, the text-books to be used and the number of examinations held each year. (Adopted May 5, 1899.)

The colleges whose courses of study for the Licentiate Degree have been approved by the State Board are: May 5, 1899, South Carolina College, Due West Female College, Claflin University, Benedict College; May 4, 1900, the State Colored College, Greenville Female College; April 23, 1909, Chicora College.

Rule 27. In all cases of appeals from decisions of County Boards notices of appeal must be served on the Secretary of the County Board of Education, on the Secretary of the State Board of Education, and also on the respondents within thirty days from the decision of the County Board, and all testimony, records and papers must be on file in the office of the State Superintendent of Education at least ten days before the meeting at which the appeal is to be heard. In all appeal cases, the Secretary of the State Board of Education shall assign an equal length of time for reviewing testimony and argument by appellants and

respondents, and notice of such time assigned shall be accordingly given by the Secretary of the State Board.

Rule 28. County Boards of Education shall require all public school buildings to be constructed only upon land owned by the school district. No school building shall be aided by funds under the School Improvement Act unless constructed according to plans approved by the State Board of Education, and unless the building is found to be of first class material and workmanship, upon inspection by the County Superintendent of Education.

(**Note.**—Atty. Genl's Op., 1905, p. 47; 1906, p. 97.)

Rule 29. State Certificates may be issued to teachers who successfully complete nine courses at the State Summer School, and County Certificates may be issued to those who successfully complete nine courses at the County or District Summer Schools.

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## Rules and Regulations for Libraries

Adopted by the State Board of Education, March 12, 1904.

1. It shall be the duty of the Board of Trustees to provide a substantial bookcase before books are secured, and to require the same to be locked, except when in actual use.

2. The County Superintendent and teachers shall give aid and advice to the Trustees in selecting and ordering the library from the list adopted by the State Board of Education.

3. The teacher shall be librarian during the school term, and the Clerk of the Board of Trustees, or some responsible person designated by the Board, shall be librarian during the vacation, and the library may be moved from the school house during vacation, by order of the Board of Trustees.

4. The librarian shall properly label each volume, giving the number of the book, the name of the school, the name or number of the district, and the name of the county, and shall also catalogue the books, showing number, title, and cost of each book.

5. The librarian shall keep a record of the name of each borrower, and shall also record the number and title of each book loaned, together with dates on which it was loaned and returned.

6. Every child attending school shall be entitled to the privileges of the library, but no person shall be allowed to take two books at one time when other children are unsupplied.

7. Persons living in the community, having no connection with the school, may take advantage of the library by paying a fee of fifty cents annually, in advance.

8. No person shall have the right to loan books outside of his own household, under penalty of ten cents for each offense.

9. No person shall keep a book longer than two weeks, under penalty of one cent a day for each day he may so retain it.

10. The librarian shall designate such books as may be of constant use in their school, as supplementary or reference books, and these shall not be removed from the school during the session.

11. On the return of a book to the library, the librarian shall ascertain what damage, if any, has been sustained by it, and shall charge and collect the amount of the fine accordingly. If a book is lost, it shall be paid for in full; and any one refusing to pay a fine thereby forfeits further use of the library.

12. All fines, fees and other such moneys shall be turned over to the Trustees, and shall be devoted to the maintenance and improvement of the library.

13. It shall be the duty of the librarian to collect all of the books at the close of the session, and to make a report to the Trustees and to the County Superintendent of Education.

14. The report of the County Superintendent shall contain the following:

- (a) The number of volumes purchased during the year.
- (b) The number of volumes received by gift during the year.
- (c) The number of volumes loaned during the year (counting each volume once each time it is loaned).
- (d) The amount of fines, fees, etc., received during the year.
- (e) Total number of volumes in the library.
- (f) Total value of books and bookcases.

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# CALIFORNIA

## GENERAL SCHOOL LAW OF SOUTH CAROLINA.

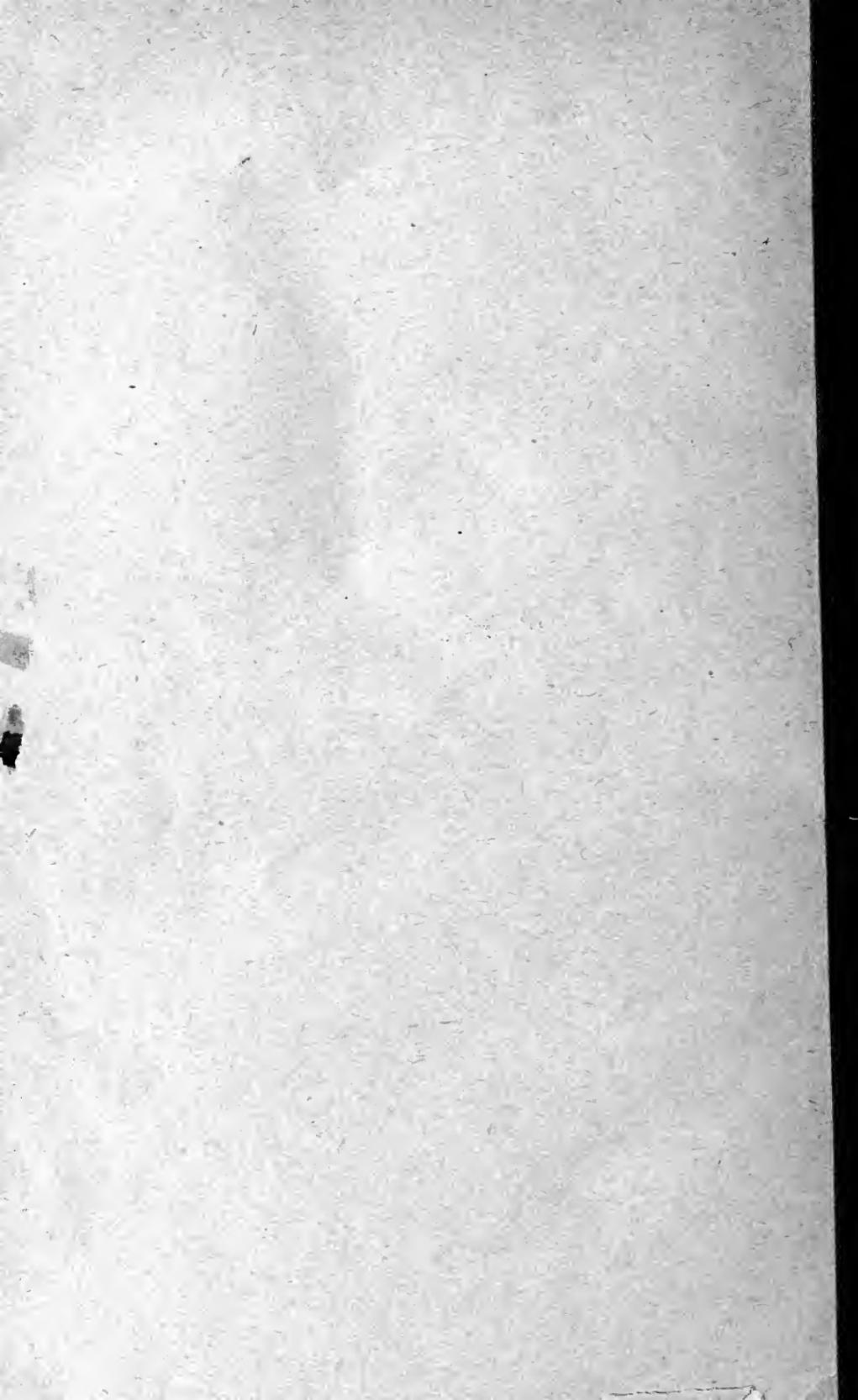
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